



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

SENATE BILL NO. 850

PRINTERS NO. 2475

PRIME SPONSOR: Greenleaf

### COST / (SAVINGS)

FUND	FY 2012/13	FY 2013/14
General Fund	See "Analysis & Fiscal Impact" Below	

**SUMMARY:** Senate Bill 850 amends the Crimes Code, Judicial Code, and Prisons and Parole Code. Effective dates vary by provision.

#### **ANALYSIS & FISCAL IMPACT:**

This legislation makes several changes to the various codes mentioned above, changes which are detailed by code and section below.

In the **Crimes Code** it adds a new **Section 1102.1** concerning the sentencing of persons under the age of 18 for murder, murder of an unborn child, and murder of a law enforcement officer. Under current law, persons who commit these crimes in the first degree, regardless of age, face a minimum life term and the possibility of the death penalty. This new section removes the possibility of the death penalty for those under 18 and sets the minimum sentence at 25 years to life for those who were under 15 years of age when they committed the crime, and 35 years to life for those who were at least 15 but younger than 18. Under current law, when these crimes are committed in the second degree, a minimum life sentence is required, regardless of age. This section changes that minimum to 20 years to life for those who were under 15 years of age when they committed the crime, and 30 years to life for those who were at least 15 but younger than 18. The section also lists findings the court must consider when determining whether to impose a sentence of life without parole on a minor. These changes will have no adverse impact on Commonwealth funds.

**Crimes Code Sections 9122 and 9123** are amended to provide for the expungement of juvenile records. It establishes a 6-month waiting period for juvenile record expungements relating to successful completion of an informal adjustment, completion of all requirements in connection with a summary conviction, or conviction for possession of alcohol by a minor.

The anticipated additional number of expungement requests submitted to the Pennsylvania State Police cannot be determined at this time. If the volume of expungement requests increases significantly, this could result in the need for one additional Clerk Typist within the expungement unit along with some additional equipment, supplies, training and work space with an estimated annual cost of \$100,000, according to the Pennsylvania State Police.

A new **Chapter 94** is added to the **Crimes Code**, establishing the Office of Victim Advocate. The Office of Victim Advocate has the power and duty to represent and advocate for the interests of individual crime victims in accordance with section 302 of the Crime Victims Act, and advocate for the interests of crime victims generally, including the victims of crimes committed by juveniles. This addition will have no adverse impact on Commonwealth funds. The Office of Victim Advocate has already been established by the Crime Victims Act, and exists within the Pennsylvania Board of Probation and Parole.

**Judicial Code Sections 6301, 6302, 6303, 6307, and 6336** are amended in order to protect children involved in cases before a Magisterial District Judge or involved in juvenile court proceedings. This change will have no adverse impact on Commonwealth funds.

A new **Section 9711.1** is added to the **Judicial Code** concerning sentencing for certain murders of infant persons. It directs the Pennsylvania Commission on Sentencing to provide a sentencing enhancement for the murder of an individual less than 13 years of age. The applicability of this enhancement would be determined at sentencing. Enactment of this provision may have a fiscal impact to the extent that sentences are enhanced. However, the exact nature of the sentencing enhancement is left to the discretion of the Pennsylvania Commission on Sentencing. Therefore, it is not possible to estimate what that impact may be at this time with available data.

In **Section 9714** of the **Judicial Code**, a technical change is made in the definition of the term "crime of violence." This will have no adverse impact on Commonwealth funds.

**Title 61, Prisons and Parole, Section 6139**, concerning parole procedure is amended with changes related to the addition of Section 1102.1 to the Crimes Code. This includes a clarification that juveniles convicted of first or second degree murder, and who would be eligible for parole after completion of the minimum mandatory term, have no right to parole or the ability to appeal a denial of parole to the courts.

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**DATE:** October 15, 2012

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*