



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 112

PRINTERS NO. 3646

PRIME SPONSOR: Vereb

COST / (SAVINGS)

FUND	FY 2013/14	FY 2014/15
General Fund	Minimal (See "Fiscal Impact below")	

SUMMARY: House Bill 112 amends the Crimes Code concerning drug delivery resulting in death and by adding sexual assault by a sports official and volunteer or employee of a nonprofit association as an offense. It also amends the Judicial Code concerning sentences for offenses against infant persons. It would take effect in 60 days.

ANALYSIS: This legislation adds a provision to Section 2506 of the Crimes Code concerning drug delivery resulting in death. It clarifies that, in cases where a person is charged with both third degree murder of a child under 13 and drug delivery resulting in death where the victim was the same child, the mandatory minimum of 15 years will apply.

This bill adds a new section to the Crimes Code which makes it a felony of the third degree for a person who serves as a sports official in a sports program or an employee or volunteer of a nonprofit association to engage in sexual intercourse, deviate sexual intercourse or indecent contact with a child under 18 years of age participating in an activity of the sports program or a program or activity of the nonprofit association. The bill also adds definitions.

House Bill 112 also amends the Judicial Code concerning sentences for offenses against infant persons by providing that a person convicted of third degree murder of a child under 13 shall be sentenced to a mandatory term of imprisonment of not less than 15 years.

FISCAL IMPACT: The circumstance in which a person is charged with both third degree murder of a child under 13 and drug delivery resulting in death where the victim was the same child is a rare occurrence. Therefore the fiscal impact of the 15 year mandatory minimum sentence will be minimal.

The fiscal impact of the new section added to the Crimes Code arises from treating as a felony behavior that under current law may be only a misdemeanor or even non-criminal if it involves a minor who is 16 or 17 years of age.

Reliable data do not exist to predict how many sports officials and volunteers or employees of nonprofits will be convicted and sentenced with enactment of this legislation. However, the overall fiscal impact of this legislation on the state is predicted to be minimal.

According to data provided by the Pennsylvania Commission on Sentencing (PCS), it is estimated that about eight third degree murder convictions per year involve a victim under 13 making the perpetrator subject to the 15 year mandatory minimum in this bill. In addition, the average range for all third degree murder sentences, regardless of the age of the victim, is 15.5 to 40 years under current law. Finally, although PCS does not have data on the age of the victim in all third degree murder cases, in one case where the victim is known to have been less than 13 years of age, the sentence imposed was 15 to 40 years. Given these facts, the 15 year mandatory minimum is expected to have only a minimal fiscal impact.

The current average cost of incarcerating an offender in state prison is \$35,000 per year and the average cost for state parole supervision is \$3,000 per year.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: June 9, 2014

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