



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 404

PRINTERS NO. 583

PRIME SPONSOR: Marsico

### COST / (SAVINGS)

FUND	FY 2012/13	FY 2013/14
General Fund	\$0	See "Fiscal Impact"

**SUMMARY:** House Bill 404 amends the Crimes Code concerning intimidation or retaliation in child abuse cases. It would take effect in 60 days.

**ANALYSIS:** This legislation adds a new section 4958 to the Crimes Code concerning intimidation or retaliation in child abuse cases. Intimidation occurs when a person has knowledge or intends that their conduct will obstruct, impede, impair, prevent or interfere with the making of a child abuse report, conducting an investigation into suspected child abuse, or prosecuting a child abuse case. This would include attempting to intimidate any reporter, victim or witness in a child abuse case.

This new section also provides that a person commits an offense if the person harms another person by any unlawful act or engages in a course of conduct or repeatedly commits acts which threaten another person in retaliation for anything that the other person has lawfully done in the capacity of a reporter, witness or victim of child abuse.

In general, this offense is graded as a misdemeanor of the second degree unless the offense involves violence or threats of violence, bribery, a conspiracy, or the offender has a prior conviction under this section or another similar federal or state law. In such cases it would be graded as a felony of the second degree.

**FISCAL IMPACT:** Reliable data do not exist to estimate the number of individuals who might be arrested, tried, convicted, and sentenced to either county or state prison for this new offense. A misdemeanor of the second degree carries a prison sentence of not more than two years, which would be served in a county prison where it costs approximately \$70 per day, on average, to incarcerate a prisoner. A felony of the second degree carries a prison sentence of not more than ten years, which would be served in a state correctional institution where it costs approximately \$35,000 per year, on average, to incarcerate a prisoner.

**PREPARED BY:** Jeff Miller  
House Appropriations Committee (R)

**DATE:** February 12, 2013

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