



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1000

PRINTERS NO. 1174

PRIME SPONSOR: Stephens

COST / (SAVINGS)

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

SUMMARY: House Bill 1000 amends the Crimes Code concerning retail theft.

ANALYSIS: This legislation lowers the threshold over which retail theft can be graded as a felony of the third degree to \$1,000 from \$2,000. Currently, retail theft of any amount over \$150 up to \$2,000 is a first degree misdemeanor, punishable by up to 5 years in prison. Making thefts of over \$1,000 a third degree felony raises that punishment to a maximum of 7 years in prison.

FISCAL IMPACT: It is not possible to accurately predict the fiscal impact of this legislation because reliable data do not exist to determine how many individuals may have their sentences increased from a first degree misdemeanor to a third degree felony as a result of its passage. However, an analysis of data provided by the Pennsylvania Commission on Sentencing (PCS) can help to characterize the overall magnitude of the impact.

According to PCS data, in 2010 and 2011, an annual average of 1,553 individuals were convicted of a first or second offense of retail theft in which the value of the stolen property was between \$150 and \$2,000, but it is not possible to determine how many of those individuals stole between \$1,000 and \$2,000, and would thus be affected by this legislation. An analysis of current data on the length of sentences for retail theft is more informative.

The 1,553 offenders mentioned above committed crimes graded as first degree misdemeanors under current law. Under current law, retail theft of between \$150 and \$2,000 is only considered a third degree felony on an individual's third or subsequent offense. Comparing 2010 and 2011 sentencing data for retail thefts categorized as first degree misdemeanors as opposed to third degree felonies, average prison sentences at the state and county level are about two to three months longer for the felonies. For those sentenced to probation, average length of probation is about six months longer. Therefore, enactment of this legislation is not expected to have a significant fiscal impact because it will likely only increase prison terms and the length of probation for those stealing between \$1,000 and \$2,000 by two to three months and six months, respectively.

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 \$2,500 per year. The average cost for incarceration in a county jail is approximately \$70 per day or \$25,615 per year. The average cost for supervising a county adult offender is \$860 per year.

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House Appropriations Committee (R)

DATE: April 22, 2013

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