



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 1601

PRINTERS NO. 2455

PRIME SPONSOR: Vereb

### COST / (SAVINGS)

FUND	FY 2015/16	FY 2016/17
General Fund	See "Fiscal Impact" below.	

#### SUMMARY:

House Bill 1601 amends the Crimes Code and the Judicial Code concerning mandatory minimum sentencing and drug trafficking penalties. It would take effect in 60 days.

#### ANALYSIS:

A recent United States Supreme Court decision rendered various mandatory minimum sentencing provisions in Pennsylvania law unconstitutional. House Bill 1601 amends the Crimes Code and the Judicial Code to fix these defects and reinstate mandatory minimum sentencing for offenses committed on public transportation, offenses against elderly persons, offenses against infant persons, offenses committed while impersonating a law enforcement officer, trafficking drugs to minors, and trafficking drugs in a drug-free school zone.

The bill also removes the mandatory sentence for distribution of certain controlled substances, raises the threshold amount of drugs required to trigger the mandatory sentence, reduces the length of the minimum mandatory sentence for others, and increases the length of the minimum mandatory sentence for certain repeat offenders.

#### FISCAL IMPACT:

The fiscal impact for this legislation is estimated using data provided by the Pennsylvania Commission on Sentencing (PCS) and the Department of Corrections (DOC).

The changes to sentencing for offenses committed on public transportation, offenses against elderly persons, and offenses against infant persons are not expected to produce a substantial effect because the number of cases annually is so small.

Concerning offenses committed while impersonating a law enforcement officer, the number of offenders sentenced is slightly larger, an average of 85 per year based on the three most recent years of data. However, in most of these cases, the sentences imposed are already equal to or greater than the five-year mandatory minimum. Therefore, reinstatement of this mandatory minimum will have little impact.

The impact of reinstating the mandatory minimum for trafficking drugs to minors is expected to be minimal. The average number of cases is low, at less than 10 per year, and the average minimum sentence is expected to increase only slightly.

The reinstatement of the mandatory minimum for trafficking drugs in a drug-free school zone, as well the changes that both increase and decrease certain drug minimums and change the amounts of drugs that trigger the minimums is more complex. The PCS data attempts to account for these variables. According to that data, the number of DOC offenders serving mandatory minimum sentences for drug trafficking dropped from 1,181 in 2012 to 793 in 2014. It is estimated enactment of this legislation would increase that number by an additional 620 offenders, bringing the estimated total to 1,413.

According to the DOC, the marginal cost of adding between 600 and 900 prisoners is \$23,853 per inmate per year. Using this per inmate cost, the annualized fiscal impact of this legislation adding 620 inmates is approximately \$14.8 million. The 2014-15 DOC budget was \$2.12 billion

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