



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 44

PRINTER'S NO. 1264

PRIME SPONSOR: Dush

COST / (SAVINGS)

FUND	FY 2023/24	FY 2024/25
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY:

Amends Title 18 (Crimes and Offenses) to expand the offense of Trafficking in individuals and to create the offense of Patronizing a victim of sexual servitude.

ANALYSIS:

Senate Bill 44 Printer's Number 976 expands Section 3011 (Trafficking in individuals) of Title 18 to provide that an individual commits a felony of the first degree (punishable by up to twenty years imprisonment) if they patronize an individual if the person knows or recklessly disregards that the individual will be subject to sexual servitude. The legislation also amends Section 3013 (Patronizing a victim of sexual servitude) to change the grading of the offense if the patronized individual was under 18 years of age. This offense would constitute a felony of the second degree for a first offense (punishable by up to twenty years imprisonment) and a felony of the first degree for a second of subsequent offense (punishable by up to ten years imprisonment).

Section 6318 (Unlawful contact with a minor) is amended to include that a person commits an offense if the person is intentionally in contact with another individual having direct contact with children, as defined under 23 Pa.C.S. § 6303(a) (relating to definitions).

The legislation also amends Title 23 § 6704 to expand eligibility for the Office of Victim Advocates' Victim Address Confidentiality Program to include victims of sexual servitude.

This legislation would take effect in 60 days upon enactment.

FISCAL IMPACT:

Enactment of this legislation will have an indeterminate impact on Commonwealth funds. The legislation expands the provisions and increases the grading of two offenses. To the extent that these changes could result in the incarceration of additional individuals or in longer sentences, the legislation could result in increased costs.

For reference, according to data from the Pennsylvania Commission on Sentencing, in 2022:

- Eleven individuals were convicted and nine were sentenced to a state correctional institution for violations of 18 Pa.C.S § 3011 (Human Trafficking).
- Two individuals was convicted and one was sentenced to a state correctional institution for a violation of 18 Pa.C.S § 3013 (Sexual Servitude).
- 176 individuals were convicted of unlawful contact with a minor (18 Pa.C.S § 6317), and 82 were sentenced to a state correctional institution.

The marginal annual cost to incarcerate an additional inmate in a state correctional institution was \$15,213 in FY 2021/22. This cost assumes that fewer than 300 additional individuals were incarcerated. Offenders with a maximum sentence of less than two years are typically sent to a county jail. Marginal costs are not available for county facilities, but the average annual cost to incarcerate someone in a county jail in 2022 was \$43,701.

According to the Office of Victims Advocate, the expanded eligibility for the Victim Address Confidentiality Program will not result in any additional costs to the Commonwealth.

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House Appropriations Committee (D)

DATE: December 12, 2023

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