



HOUSE COMMITTEE ON APPROPRIATIONS
2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 352 PRINTER'S NO: 2056 PRIME SPONSOR: Mundy

FISCAL IMPACT SUMMARY	FY 2008/09	FY 2009/10
Expenditure Increase/(Decrease):		
General Fund	*See Analysis	*See Analysis

OVERVIEW:

House Bill 352 amends Section 3742 (relating to accidents involving death or personal injury) of Title 75 (Vehicles) by increasing the penalty for leaving the scene of an accident that results in death. The current penalty for this type of hit-and-run is a third degree felony and House Bill 352 increases this to a second degree felony.

This legislation also provides for an additional fine and term of imprisonment for each victim who is injured or killed as a result of a vehicle accident where the driver flees the scene.

Under House Bill 352, enhanced penalties are outlined for a violation of Section 3742 of Title 75 that is concurrent with a violation of Section 3802 of Title 75 (relating to driving under the influence of alcohol or controlled substance). Enhanced penalties for concurrent violations of Section 3742 and Section 3802 under House Bill 352 are:

- Where a victim injury or death results, the penalty is a third degree felony.
- Where a victim suffers serious bodily injury, the penalty is a second degree felony with mandatory imprisonment of one year and a mandatory fine of \$2,500.
- Where a victim is killed, the penalty is a second degree felony with mandatory imprisonment of three years and a mandatory fine of \$5,000.

Finally, House Bill 352 amends Section 6503 of Title 75 (Subsequent convictions of certain offenses) by removing language related to fleeing or attempting to allude a police officer.

This act takes effect in 60 days.

ANALYSIS:

It is not possible to determine exactly how many individuals would be affected by this legislation or how many would be charged, convicted, and sentenced. At the sentencing stage, a convicted offender could receive punishment at either the state or local level. A third degree felony is punishable by a maximum of seven years in prison and/or a maximum fine of \$15,000. A second degree felony is punishable by a maximum of ten 10 years and/or a maximum fine of \$25,000.

The average cost in 2008 for incarcerating an offender in a state correctional institution is almost \$35,000 per year (including health care). According to the Board of Probation and Parole, in 2008 the average cost for state parole supervision was \$3,139 per year. The average cost in 2008 for incarceration in a county jail is approximately \$50 per day or \$18,250 per year. The average cost for supervising a county adult offender in 2007 was \$680 per year.

While this legislation is expected to have minimal fiscal impact, if considered in conjunction with other legislation that increases the grading of penalties or creates new penalties, the impact to state and/or local governments may be substantial.

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General Note and Disclaimer: *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*