



HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 485

PRINTER'S NO: 2436

PRIME SPONSOR: Petrarca

FISCAL IMPACT SUMMARY	FY 2009/10	FY 2010/11
Expenditure Increase/(Decrease):		
General Fund	*See Analysis	*See Analysis

OVERVIEW:

House Bill 485 amends Title 18 (Crimes and Offenses) to provide for a new offense of illegal dumping of methamphetamine waste and for a penalty.

Under this bill, a person commits a third degree felony if he knowingly deposits on any property a precursor substance, chemical waste, or debris that has been or is intended to be used in the manufacture of methamphetamine or the preparation of a precursor substance for the manufacture of methamphetamine.

This legislation would not apply to a licensed pharmaceutical company in the normal course of business. This bill also does not apply to any federal or state laws that regulate cleanup or disposal of waste products caused by the illegal manufacture of methamphetamines.

Additionally under House Bill 485, a new subsection provides that a person commits offense of operating a methamphetamine laboratory if the person knowingly causes a chemical reaction involving ephedrine, pseudoephedrine or phenylpropanolamine or any of their salts, optical isomers or salt of optical isomers for the purpose of manufacturing methamphetamine. Violation of this new subsection is a second degree felony and the individual is subject to 18 PA.C.S §1110 (related to restitution for cleanup of clandestine laboratories). However, violation of this new subsection increases to a felony of the first degree (including restitution) when the chemical reaction occurs within 1,000 feet of a school, nursery, or day care center. This section does not apply to the manufacturing operation of a licensed pharmaceutical company in the normal course of business.

This act takes effect in 60 days.

ANALYSIS:

Some individuals that would be convicted for violations under House Bill 485 are currently being convicted under various other statutes. Quantifying the fiscal impact of House Bill 485 is not possible. 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.

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.

Where the clean-up of a methamphetamine laboratory or the site of illegal dumping of methamphetamine waste becomes an issue, a number of agencies may be involved (fire companies, hazmat, local police, State Police, emergency medical services, private companies). According to the Pennsylvania Farm Bureau clean up costs range from \$1,000 to \$100,000. According to the State Police, an average cost to process a typical methamphetamine lab is about \$10,500.

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.

PREPARED BY: Rayko Pacana, Budget Analyst
House Appropriations Committee, (D)

DATE: February 8, 2010

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.*