



**HOUSE COMMITTEE ON APPROPRIATIONS**  
2009-10 Legislative Session

**FISCAL NOTE**

**HOUSE BILL: 2464**

**PRINTER'S NO: 3666**

**PRIME SPONSOR: Miccarelli**

<b>FISCAL IMPACT SUMMARY</b>	<b>FY 20010/11</b>	<b>FY 2011/12</b>
<b>Expenditure Increase/(Decrease):</b>		
General Fund	*See analysis	*See analysis
County Costs	*See analysis	*See analysis

**OVERVIEW:**

House Bill 2464 amends Title 18 (Crimes and Offenses) by adding a new subsection to §6312 (Sexual abuse of children).

Under this legislation, a person who at the time of sentencing has been convicted of another offense under this section shall be sentenced to the penalties associated with the second or subsequent violations of this section. A person shall be deemed to have been convicted of another offense under this section whether or not judgment of sentence has been imposed for that violation.

This act takes effect in 60 days.

**ANALYSIS:**

According to the Pennsylvania Commission on Sentencing (PCS), in 2009 there would have been 14 cases (offenders) that this legislation would affect and the differences in sentences within a subsection for third degree felonies versus second degree felonies is modest. This means that there would be little or no shift from county jail to the Department of Corrections (DOC) and modest increases in length of sentence. Also according to PCS, the sentences imposed appear to be much more individualized and probably reflect substantial negotiations around convictions and sentences when multiple counts are involved. Any increase in county jail costs or DOC costs cannot be quantified.

A third degree felony means a maximum incarceration period of seven years and a maximum \$15,000 fine. A second degree felony means a maximum of 10 years in prison and a maximum \$25,000 fine. The average cost in 2010 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 2010 the average cost for state parole supervision is \$3,000 per year. The average cost in 2010 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 2010 is \$800 per year.

Again, it is not possible to determine how many individuals may be sentenced under this legislation; nor is it possible to predict what type of sentencing individuals may receive as are result of conviction. However, it is assumed that there may be a fiscal impact on both commonwealth funds and local funds as a result of the enactment of this legislation.

Please note: this fiscal note was prepared independently of other proposed legislation that may similarly increase the grading of penalties for criminal offenses or create new penalties for a new offense. Taken independently, it is possible that the Commonwealth and local governments may be able to absorb the relevant fiscal impact. If this legislation is enacted and accompanied by additional enacted legislation that will result in additional numbers of individuals being sentenced for increasing lengths of time, the cumulative effect can result in a significant impact on state and local funds by the end of this legislative session.

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

**DATE:** September 20, 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.*