



HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 2629

PRINTER'S NO: 4282

PRIME SPONSOR: D. Costa

As amended by A09035

FISCAL IMPACT SUMMARY	FY 2010/11	FY 2011/12
Expenditure Increase/(Decrease):		
General Fund	*See analysis	*See analysis

OVERVIEW:

House Bill 2629, as amended by A09035, creates the Pennsylvania Officer Down Advisory which will assist in the apprehension of those suspected of killing or seriously injuring Federal, State, or local law enforcement officers.

The Pennsylvania State Police (PSP) would be required to administer the system and shall coordinate with other appropriate agencies to ensure the effective use of the system. The PSP shall also educate the public and law enforcement agencies regarding its availability.

The intentional or reckless broadcasting of a false alert through the system is prohibited and a fine up to \$5,000 is the penalty.

Unless the court finds that undue hardship would result, in addition to any other cost imposed by law, a cost of \$25 shall be automatically assessed on each person convicted, adjudicated delinquent, or granted accelerated rehabilitative disposition of the following offenses:

- 18 Pa.C.S. §2507 (relating to criminal homicide of law enforcement officer).
- 18 Pa.C.S. §2702.1 (relating to assault of law enforcement officer).
- 18 Pa.C.S. §5104 (relating to resisting arrest or other law enforcement).
- 18 Pa.C.S. §5104.1 (relating to disarming law enforcement officer).
- 18 Pa.C.S. §5511.2 (relating to police animals).

Owners, licensees, operators, and employees of any communication medium, including, but not limited to, telephone, radio, television, newspaper, digital communications network, wireless communications network, or global communications network, shall be immune from civil liability for their good faith conduct while participating in an Officer Down Advisory.

This act takes effect in 30 days. The amendment to change the effective date from immediately to 30 days is necessary to give the Administrative Office of Pennsylvania Courts (AOPC) sufficient time to update their computer system to incorporate the \$25 fine on certain offenders.

ANALYSIS:

According to PSP, they would incur a fiscal impact of approximately \$100,000 to adhere to all of the provision in House Bill 2629. However, PSP will receive funding from the collection of a \$25 fine assessed for certain offense. According to AOPC, in one year, 3,058 cases would be the baseline for an annual amount of \$76,450. Due to the effective date of this bill, this fiscal note assumes that AOPC would collect approximately seven month of revenue totaling about \$45,000 for fiscal year 2010/11. It is assumed that PSP can expect approximately \$76,450 in FY 2011/12. AOPC indicates that these figures are the maximum amount that could be realized since revenues actually received may be less and costs could be waived due to instances of perceived hardship.

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House Appropriations Committee, (D)

DATE: September 27, 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.*