



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 40

PRINTERS NO. 1038 PRIME SPONSOR: Perry

COST / (SAVINGS)

FUND	FY 2010/11	FY 2011/12
General Fund	\$0	See Below

SUMMARY:

House Bill 40 amends both the Crimes Code and the Judiciary Code regarding the lawful use of force, protection from civil liability in the lawful use of force, the grading of offenses involving stolen firearms, and the possession and transportation of firearms.

ANALYSIS:

This legislation is commonly referred to as the "Castle Doctrine." It expands and further defines an individual's right to use deadly force inside the individual's dwelling, residence, or occupied vehicle and outside an individual's dwelling, residence, or occupied vehicle. In short, this legislation eliminates an individual's duty to retreat before using deadly force if the person is in a place the person has a right to be and believes an attacker will use deadly force to kill, seriously injure, kidnap, or rape themselves or another.

The Crimes Code is amended by House Bill 40 concerning the offense of receiving stolen property if the property is a firearm. The grading for this offense increases to a second degree felony. Also, receiving a stolen firearm when the offender is involved in the business of buying and selling stolen property is increased from a second to a first degree felony.

Finally, this legislation provides specific protection against civil liability when force is lawfully used in self-defense or in the defense of others.

FISCAL IMPACT:

No reliable data exist to estimate the fiscal impact of this legislation. However, this legislation could eventually impact Commonwealth finances due to increased prison sentences. Increasing the grading of receiving a stolen firearm to a second degree felony increases the punishment from a maximum of seven years in prison and a maximum fine of \$15,000 to a maximum of 10 years in prison and a maximum fine of \$25,000. Increasing the grading of trafficking in stolen firearms to a first degree felony increases the punishment to a maximum of 20 years in prison and a maximum fine of \$25,000. The current average cost of incarcerating an offender in state prison is \$33,000 per year and the average cost for state parole supervision is \$3,000 per year.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: April 11, 2011

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