



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 396

PRINTERS NO. 1525

PRIME SPONSOR: O'Neill

COST / (SAVINGS)

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

SUMMARY:

This legislation amends both the Crimes Code and the Judicial Code concerning drug delivery resulting in death.

ANALYSIS:

The definition of drug delivery resulting in death is changed to reclassify the crime from third degree murder to a first degree felony. However, this will not change the sentencing range for the crime, which will remain at 5 to 40 years. Under current law, a five year minimum is specified for this crime and the maximum is 40 years. By changing the classification to a first degree felony, current sentencing guidelines set the minimum at five years for drug delivery resulting in death, and this legislation specifies that this may be extended to 40 years in these cases. The change is an attempt to make it easier to obtain convictions by requiring the prosecution to prove only that the defendant acted "intentionally, knowingly or recklessly," and not with "malice."

FISCAL IMPACT:

There is a potential fiscal impact to the Commonwealth from enactment of this legislation if convictions for drug delivery resulting in death increase when the prosecution need only prove that a defendant acted "intentionally, knowingly or recklessly," and not with "malice." Reliable data do not exist to predict how many defendants this may be. At the state level, keeping an individual incarcerated for one year costs approximately \$33,000, and supervision by the Board of Probation and Parole cost approximately \$3,000.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: April 27, 2011

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