



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 815

PRINTERS NO. 4165

PRIME SPONSOR: Grove

COST / (SAVINGS)

FUND	FY 2012/13	FY 2013/14
General Fund	Minimal, see "Fiscal Impact" below.	

SUMMARY: House Bill 815 adds a section on "Transmission of Sexually Explicit Images by Minor" to the Crimes Code. It would take effect in 60 days.

ANALYSIS: This legislation creates a new offense, "Transmission of Sexually Explicit Images by Minor" in the Crimes Code. It applies to individuals 12 years of age or older and under 18 years of age who knowingly transmit electronic images of themselves or another minor, or possess an image of another minor engaging in sexually explicit conduct as defined in the bill. It does not include images depicting sexual intercourse or images created for a commercial purpose, which would still be considered sexual abuse of children as defined in section 6312. The offense, under these circumstances, would be a misdemeanor of the third degree. However, if a minor commits the offense with the intent to coerce, intimidate, torment, harass or otherwise cause emotional distress to another, the offense is graded as a misdemeanor of the second degree. The bill provides for a diversionary program for minors accused of violating this section. If completed successfully, the minor could have their record of the offense expunged.

FISCAL IMPACT: Enactment of this legislation is expected to have only a minimal impact on Commonwealth funds. No reliable data exist to determine the potential fiscal impact of this legislation. Neither the Pennsylvania Commission on Sentencing nor the Juvenile Court Judges' Commission collect data to allow the prediction of an impact on the prison and judicial systems. However, the provision of a diversionary program for violating this new section tends to minimize any potential fiscal impact from this legislation. Further, the anticipated additional number of expungement requests submitted to the Pennsylvania State Police (PSP) cannot be determined at this time, although the PSP have indicated that they do not foresee any fiscal impact other than a potential increase in investigations

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: October 17, 2012

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