



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 898

PRINTERS NO. 954

PRIME SPONSOR: Toepel

FUND: General

COST / (SAVINGS)

FY 2010/11	FY 2011/12
\$0	Minimal (See Fiscal Impact Below)

SUMMARY:

This legislation amends Title 18, Crimes and Offenses, concerning the sentencing of individuals convicted of multiple violations involving the sale or transfer of firearms.

ANALYSIS:

Under this legislation, an offender convicted of multiple violations of Section 6111 of the Crimes Code, involving the sale or transfer of firearms, at one judicial proceeding would be sentenced as a first time offender to a third degree felony for the first count, which carries a maximum sentence of seven years and a maximum \$15,000 fine. For any offenses beyond the first, the individual would be considered a repeat offender and face a second degree felony, with a minimum five year and a maximum 10 year prison sentence and a maximum \$25,000 fine. Under current law, such an individual could only be sentenced as a first time offender, even for multiple counts.

FISCAL IMPACT:

Enactment of this legislation should have a minimal impact on Commonwealth funds.

Reliable data do not exist to predict how many people may be convicted of their first offense and at least one subsequent offense at a multi-count trial and therefore have their initial sentences increased as a result of this legislation. It should be noted that, under current law, an offender convicted of multiple counts for a first Section 6111 offense would face a normal sentencing range of three-and-a-half to five years. This legislation increases that to a five year minimum, so any fiscal impact would not occur for at least three years. According to data from the Pennsylvania Commission on Sentencing, in 2009 there were 32 offenders with multiple convictions for violating Section 6111 at a judicial proceeding, and in 2008 that number was only 19. Therefore, given the small pool of defendants falling into this category and the modest increases in the length of sentences, it is expected the impact on the state Department of Corrections would be minimal.

At the state level, keeping an individual incarcerated for one year costs approximately \$33,000, and supervision by the Board of Probation and Parole costs approximately \$3,000.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: April 26, 2011

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