



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 1121

PRINTERS NO. 4147

PRIME SPONSOR: Reichley

### COST / (SAVINGS)

FUND	FY 2012/13	FY 2013/14
General Fund	See "Fiscal Impact" Below	

**SUMMARY:** House Bill 1121 amends the Crimes Code and the Judicial Code by adding a section in each concerning offenses related to criminal gangs. It would take effect in 60 days.

**ANALYSIS:** This legislation creates a new offense of recruiting criminal gang members in the Crimes Code. If a person knowingly solicits another to join or remain in a criminal gang, it is a misdemeanor of the second degree. Knowingly inflicting bodily injury or using physical menace, force, threats, or intimidation to convince a person to join or remain in a criminal gang is a misdemeanor of the first degree. Knowingly inflicting serious bodily injury to convince a person to join or remain in a criminal gang is a felony of the third degree. An offense shall be graded one degree higher if the subject of the recruiting is under 16 years of age.

This legislation also creates a new section in the Judicial Code concerning sentencing for offenses committed in association with a criminal gang. It directs the Pennsylvania Commission on Sentencing to provide a sentencing enhancement for crimes committed at the direction of or for the purpose of benefitting, promoting or furthering the interests of a criminal gang. The applicability of this enhancement would be determined at sentencing. The bill also provides for definitions and lists the offenses impacted by the enhancement.

**FISCAL IMPACT:** Enactment of this legislation would likely have a minimal fiscal impact on the Commonwealth due to the additional sentencing and enhancements. However, the exact nature of the sentencing enhancement is left to the discretion of the Pennsylvania Commission on Sentencing. In most cases, those impacted by the new offense and enhanced sentencing provisions would likely be incarcerated regardless of the provisions contained in this bill. It is assumed, therefore, that the number of individuals to be sentenced and the duration of sentences imposed under this legislation will have little impact on prison populations.

**PREPARED BY:** Jeff Miller  
House Appropriations Committee (R)

**DATE:** October 15, 2012

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