



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1417

PRINTERS NO. 1968

PRIME SPONSOR: Staback

COST / (SAVINGS)

FUND	FY 2011/12	FY 2012/13
General Fund	\$0	\$0
Game Fund	\$0	\$0
Fish & Boat Fund	\$0	\$0

SUMMARY: Amends Title 18 (Crimes Code), Title 30 (Fish and Boat Code) and Title 34 (Game and Wildlife Code) to increase the penalty for assaulting a Waterways Conservation Officer or Wildlife Conservation Officer by including them in the list of other law enforcement officers covered under aggravated assault in Title 18.

This legislation also makes a technical correction to Title 34 that cleans up language related to ungraded misdemeanors in which some ungraded misdemeanors are still listed as misdemeanors of the third degree following enactment of Act 54 of 2010 (increased game penalties bill).

ANALYSIS: HB1417 adds Waterways Conservation Officers, Deputy Waterways Conservation Officers, Wildlife Conservation Officers and Deputy Wildlife Conservation Officers to the current list of law enforcement, elected officials and others who are protected under the aggravated assault language of Title 18, Section 2702. This would make assaulting and causing bodily injury to conservation officers a felony of the second degree. Assaulting an officer and causing serious bodily injury and/ or discharging a firearm during an assault of an officer would be a felony of the first degree. These offenses would be prosecuted as Title 30 & 34 violations, but with the corresponding penalties found under Title 18.

The bill also makes technical changes to Title 34, Section 925 (Jurisdiction and penalties), Section 927 (Disposition of fines and penalties), Section 2163 (Unlawful importation of game or wildlife), Section 2164 (Unlawful taking and possession of protected birds), Section 2165 (Possession or interference with active nests or eggs of birds), Section 2166 (Unlawful sale of protected birds and plumage) and Section 2501 (Hunting or furtaking under the influence of alcohol or controlled substance) by making misdemeanors of the third degree ungraded misdemeanors, in order to be consistent throughout the title.

FISCAL IMPACT: Enactment of this legislation will have no adverse impact on Commonwealth funds.

PREPARED BY: Thomas Gwinn
House Appropriations Committee (R)

DATE: October 14, 2011

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