



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 321

PRINTERS NO. 2693

PRIME SPONSOR: Toepel

### COST / (SAVINGS)

FUND	FY 2013/14	FY 2014/15
General Fund	See "Fiscal Impact" below.	

**SUMMARY:** House Bill 321 amends the Crimes Code concerning the sexual abuse of children and amends the Judiciary Code concerning sentencing for offenses involving the sexual abuse of children. It would take effect January 1, 2014, or immediately, whichever is later.

**ANALYSIS:** The changes to the Crimes Code involve reorganizing the section concerning the sexual abuse of children so that the grading of offenses relating to the production, dissemination and viewing of child pornography is contained in a new subsection. The basic grading of the offenses remains the same.

This legislation adds to the Judicial Code a section concerning sentencing for offenses involving the sexual abuse of children. In addition to any minimum term of imprisonment authorized or established by law for the offense, this section would require the Pennsylvania Commission on Sentencing to provide a sentence enhancement within its guidelines for a child pornography offense, specifying variations from the range of sentences applicable based on such aggravating circumstances as the age of the child, the number of images possessed by the defendant and the nature and character of the abuse depicted in the images.

**FISCAL IMPACT:** According to the Pennsylvania Commission on Sentencing (PCS), 2012 data shows a total of 175 convictions for the sexual abuse of children, of which 15%, or 27, of those convicted were sentenced to incarceration in a State Correctional Institution. It is possible the Pennsylvania Department of Corrections could experience an increase in population based on the new sentencing enhancement. However, the exact nature of the sentencing enhancement is left to the discretion of the PCS. Therefore, it is not possible to estimate what that impact may be at this time with available data.

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House Appropriations Committee (R)

**DATE:** December 16, 2013

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