



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 350

PRINTERS NO. 363

PRIME SPONSOR: Rock

COST / (SAVINGS)

FUND	FY 2012/13	FY 2013/14
General Fund	\$0	See "Fiscal Impact"

SUMMARY: House Bill 350 amends the Crimes code concerning simple and aggravated assault of a child. It would take effect in 60 days.

ANALYSIS: This legislation establishes higher penalties for Simple Assault of a child and Aggravated Assault of a child under certain circumstances as summarized below.

Under current law, causing bodily injury to a child under the age of 12, or simple assault, is a misdemeanor of the first degree if the perpetrator is 21 years of age or older. Otherwise, it is a misdemeanor of the second degree. This legislation would lower the age of 21 to 18. This would add perpetrators age 18, 19, and 20 to the list of those for whom simple assault is a misdemeanor of the first degree.

Under current law pertaining to aggravated assault, a person who attempts to cause or intentionally, knowingly or recklessly causes serious bodily injury to a child under the age of 12 commits a second degree felony. This legislation would increase the grading of that offense to a felony of the first degree if the victim is under 12.

Under current law, attempting to cause or intentionally, knowingly or recklessly causing bodily injury to a child under 12 is a misdemeanor of the first degree, if the perpetrator is 21 years of age or older. This legislation would increase the grading of such an offense to a felony of the second degree if the victim is under 4 years of age.

FISCAL IMPACT: Enactment of this legislation will have a minimal fiscal impact on the Department of Corrections (DOC). This is based upon an analysis of 2011 conviction data from the Pennsylvania Commission on Sentencing.

Currently, about 18 individuals aged 18, 19, or 20 are sentenced annually for simple assault of a child under 18 years of age. It is not known how many of these individuals assaulted children under 12 years old, but presumably it would be some number less than 18 that would have their offense raised from a misdemeanor of the second degree, with a maximum prison term of 2

years, to a misdemeanor of the first degree, with a maximum prison term of 5 years. This would have only a minimal fiscal impact on the DOC.

Currently, about 537 individuals are sentenced annually for aggravated assault as a felony of the second degree, with a maximum prison term of 10 years. It is not known how many of these individuals assaulted children under 12 years old, but presumably it would be some number less than that total that would have their offense raised to a felony of the first degree with a maximum prison term of 20 years. Therefore, the fiscal impact of this change could not begin until 10 years after enactment, at the earliest, and is beyond the scope of this analysis.

Currently, about 223 adults are sentenced annually for simple assault of a child under 12, which is a misdemeanor of the first degree with a maximum prison term of 5 years. It is not known how many of these individuals assaulted children under 4 years old, but presumably it would be some number less than that total that would have their offense raised to a felony of the second degree with a maximum prison term of 10 years. Assuming the ages of the victims in these cases are evenly distributed, less than 80 would involve children under 4. This would have only a minimal fiscal impact on the DOC.

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House Appropriations Committee (R)

DATE: February 11, 2013

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