FISCAL NOTE

HOUSE BILL NO. 447 **PRINTERS NO**. 456 **PRIME SPONSOR**: Pyle

COST / (SAVINGS)

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

SUMMARY: House Bill 447 amends the Judicial Code concerning drug trafficking. It would take effect in 60 days.

ANALYSIS: This legislation adds a section to the Judicial Code directing the Pennsylvania Commission on Sentencing to provide for a sentence enhancement for any person over 18 years of age who is convicted, in a Pennsylvania court, of drug trafficking in the presence of a minor.

FISCAL IMPACT: It is not possible to estimate the fiscal impact of this legislation at this time. No reliable data exist to determine what percentage of those convicted of drug trafficking did so in the presence of a minor and would therefore be affected by this sentencing enhancement. Additionally, the bill requires a sentence enhancement, but does not specify the nature or severity of that enhancement, which is left to the discretion of the Pennsylvania Commission on Sentencing (PCS). However, any requirement to enhance sentencing has the potential to create a fiscal impact at the state and local level by lengthening the amount of time a convicted individual spends in prison, on probation, or on parole. According to PCS, approximately 7,300 people per year are convicted of drug trafficking. If 1%, or 73, of the convictions received the new enhancement, the result based on the impact of other enhancements, would be an increase of four inmates for the state Department of Corrections (DOC), and the minimum sentences for the 20 inmates already committed to DOC would increase by about three months. The remaining 49 offenders would serve time in county prisons or on probation with slightly increased sentences.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: April 9, 2013

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