



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1498

PRINTERS NO. 3274

PRIME SPONSOR: Stephens

COST / (SAVINGS)

| FUND | FY 2013/14 | FY 2014/15 |
|--------------|------------|----------------------------|
| General Fund | \$0 | See "Fiscal Impact" below. |

SUMMARY:

House Bill 1498 amends the Judicial Code concerning sentencing for crimes committed with firearms and sentences for second and subsequent offenses. It would take effect in 60 days.

ANALYSIS:

Under current law a mandatory five-year minimum sentence is imposed on an offender who commits a crime of violence and visibly possesses a firearm or replica firearm which places the victim in reasonable fear of death or serious bodily injury. This legislation would remove the requirement that a real firearm be visible, and would apply the requirement that the victim be placed in reasonable fear only as to the use of a visible replica firearm.

Section 9714 of the Judicial Code establishes a mandatory minimum sentence of 10 years upon conviction for a crime of violence if the person has previously been convicted of a crime of violence. It also mandates a minimum sentence of 25 years upon conviction for a crime of violence if the person has two or more previous convictions for a crime of violence. House Bill 1498 adds possession, use, manufacture, control, sale or transfer of firearms by persons not permitted to do so to the definition of "crime of violence" for purposes of these mandatory minimum sentences.

FISCAL IMPACT:

The fiscal impact of the change in the requirement that a firearm be visible during the commission of a crime of violence is difficult to determine. Concrete data do not exist on how often concealed firearms are used during crimes of violence under current law to estimate how often this new minimum could be applied. Its application would also be at the discretion of the district attorney.

The addition of possession, use, manufacture, control, sale or transfer of firearms by persons not permitted to do so to the definition of "crime of violence" -- as it applies to the "three strikes" law -- will have an impact on the Department of Corrections by increasing the inmate population. However, according to the Pennsylvania Commission on Sentencing, this will be a gradual increase of approximately 700 additional inmates as a result of the one strike 10-year

mandatory sentence over the next 20 years, and 170 additional inmates as a result of the two strike 25-year mandatory sentence over the next 50 years. Increases in population and costs for DOC over a shorter five-year time frame will be minimal.

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House Appropriations Committee (R)

DATE: April 1, 2014

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