



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 1124      PRINTERS NO. 3730      PRIME SPONSOR: Cox

### COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	\$0	See Fiscal Impact

#### SUMMARY:

House Bill 1124, Printer's Number 23730 amends Title 18 (Crimes and Offenses) by making several changes to Section 2713 (Neglect of care-dependent person) and adding a new Section 2713.1 (Abuse of care-dependent person).

#### ANALYSIS:

HB 1124 amends the Crimes Code providing for the neglect and abuse of a care-dependent person. Section 2713 is further amended by expanding the neglect of a care-dependent person offense to include neglect resulting in death and when an individual who intentionally, knowingly or recklessly endangers the welfare of a care-dependent person for whom he is responsible. An individual convicted with the offense outlined in new Section 2713 (a) (3) would commit a misdemeanor of the second degree (prison sentence up to 2 years and a fine up to \$5,000), or a felony of the third degree in the event there is course of conduct evidence (prison sentence up to 7 years and fine up to \$15,000). Section 2713 is further amended by expanding the definition of "Caretaker" and adding a new definition of "Private care residence."

HB 1124 outlines a new offense (Section 2713.1) relating to the abuse of a care-dependent person. Violation of this new offense will result in either a misdemeanor of the first degree (prison sentence up to 5 years and fine up to \$10,000), or a felony of the third degree (prison sentence up to 7 years and fine up to \$15,000).

Finally, the legislation requires that if the Departments of Aging, Health and Human Services (departments) have reasonable cause to believe there is a violation of Sections 2731 or 2713.1, a report will be made immediately to local law enforcement or the Office of Attorney General. The legislation further provides that the local district attorneys and the Office of the Attorney General will have the authority to investigate and institute criminal proceedings for a violation of this section.

This legislation will take effect in 60 days.

**FISCAL IMPACT:**

Enactment of this legislation would have an unknown fiscal impact to state and local funds. Insufficient data is available to determine exactly how many individuals would be charged, convicted and sentenced using the expanded offense in Section 2713 and the new offense in Section 2713.1. However, according to the Pennsylvania Commission on Sentencing, in 2016 a total of 11 individuals were convicted of a violation of Section 2713, neglect of a care-dependent person. Of those 11 individuals charged, 9 received probation, 1 received county intermediate punishment (CIP) and 1 received a prison sentence in a county jail.

Any costs associated with the reporting and enforcement requirements outlined in the bill would be absorbed within the departments' and Office of Attorney General's current appropriations levels.

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**DATE:** June 21, 2018

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