



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 1092

PRINTERS NO. 1710

PRIME SPONSOR: Mensch

COST / (SAVINGS)

FUND	FY 2018/19	FY 2019/20
General Fund	See Fiscal Impact	

SUMMARY:

Senate Bill 1092 amends the Judicial Code concerning sentencing for offenses involving domestic violence in the presence of a minor. It would take effect in 60 days.

ANALYSIS:

Senate Bill 1092 adds a new section to the Judicial Code concerning sentencing for offenses involving domestic violence in the presence of a minor. It requires the Pennsylvania Commission on Sentencing (PCS) to create a sentencing enhancement for the offenses of simple assault and aggravated assault. The enhancement must specify variations from the range of sentences applicable based on such aggravating circumstances as the assault was committed against a family or household member and the defendant knew the crime was witnessed, either through sight or sound, by a minor who is also a family or household member of the defendant or the victim.

FISCAL IMPACT:

According to sentencing data from the (PCS), there were 8,311 violations for simple assault and aggravated assault in 2017. The Commission's analysis from their risk assessment sample that included rap sheet domestic violence indicators found that approximately 40% of offenders charged with simple assault and 20% of offenders charged with aggravated assault had a domestic violence indication. However, the indicator may have been from a past arrest and not the current arrest. The Commission, in consultation with the Pennsylvania State Police (PSP), assumed half had domestic violence attached to priors and half to current arrests, thereby reducing the percentage of simple assaults and aggravated assaults to 20% and 10%, respectively. The Commission has stated that an increase of one offense gravity score would be a realistic sentence enhancement.

Based on the assumptions above, a sentence enhancement would result in an additional 213 beds to the Department of Corrections (DOC) annually. However, this legislation provides for a sentence enhancement only if the assault occurred in the presence of a minor. Neither the PCS nor the PSP has any data for determining this factor.

Assuming the sentence enhancement would apply in 10% of the domestic violence assaults projected, it would result in 21 additional beds to the DOC annually. Based on an inmate variable cost per day to the DOC of \$17.82, the sentence enhancement may result in \$136,590 additional annual costs to the DOC.

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House Appropriations Committee (R)

DATE: October 16, 2018

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