



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1402

PRINTERS NO. 2817

PRIME SPONSOR: Nesbit

COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY:

House Bill 1402, Printer's Number 2817, amends Title 18 (Crimes and Offenses) by providing for a new offense, Section 3133 (Sexual extortion).

ANALYSIS:

HB 1402 amends the Crimes Code to by adding a new offense of sexual extortion. An individual commits the offense of sexual extortion if a person knowingly or intentionally coerces or causes a complainant to engage in sexual conduct or make, produce, disseminate, transmit or distribute any image, video, recording or other material depicting the individual in a state of nudity or engaging in sexual conduct. In addition, a person commits the offense of sexual extortion if the person knowingly or intentionally solicits or demands actions of payment of money, property or any other thing of value from the complainant for engaging in sexual conduct, nudity or the simulation of sexual conduct.

An individual who violates new Section 3132 commits a misdemeanor of the first degree. A felony of the third degree is committed when the actor is over the age of 18 and when the complainant is under the age of 18, has an intellectual disability or the actor holds a position of trust or supervisory or disciplinary power over the complainant. In addition, a felony of the third degree is committed when the violation is part of a course of conduct of sexual extortion by the actor; or the actor was previously convicted or is an adjudicated delinquent of a violation of this section or similar offense in another jurisdiction.

The legislation provides that the Pennsylvania Commission on Sentencing will provide for a sentencing enhancement within its guidelines for offenses committed when the complainant is under the age of 18, has an intellectual disability or the actor holds a position of trust or supervisory or disciplinary power over the complainant.

A person may be convicted of this offense when the complainant or the actor is located in Pennsylvania.

This legislation would take effect in 60 days.

FISCAL IMPACT:

Enactment of this legislation would have an unknown fiscal impact on Commonwealth funds. It is impossible to determine how many individuals will be charged, convicted and sentenced under this new offense. A conviction and sentencing of a misdemeanor of the first degree could result in a fine up to \$10,000 and imprisonment of up to five years. A conviction and sentencing of a felony of the third degree could result in a fine up to \$15,000 and imprisonment up to seven years.

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House Appropriations Committee (R)

DATE: November 21, 2019

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