



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1850

PRINTERS NO. 2531

PRIME SPONSOR: Stephens

COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
General Fund	\$0	See Fiscal Impact

SUMMARY:

House Bill 1850 amends the Judicial Code concerning sentences for offenses committed with firearms and certain drug offenses committed with firearms. It would take effect in 60 days.

ANALYSIS:

This legislation amends the Judicial Code by re-instating mandatory minimum sentences for offenses committed with firearms (Section 9712) and certain drug offenses committed with firearms (Section 9712.1). It states that any provision requiring imposition of a mandatory minimum sentence constitutes an element enhancing the underlying offense. Any enhancing element must be proven beyond a reasonable doubt at trial on the underlying offense and must be submitted to the fact-finder for deliberation together with the underlying offense. If the fact-finder finds the defendant guilty of the underlying offense, the fact-finder shall then also decide whether any enhancing element has been proven. In addition, if the fact-finder has found any enhancing element and a sentencing court imposes a sentence below the mandatory minimum sentence, the Commonwealth has the right to appellate review of the sentence. If the appellate court finds that the mandatory sentencing provision was applicable, the court will vacate the sentence and remand for resentencing in accordance with that provision.

FISCAL IMPACT:

In most of these cases, the sentences imposed are already equal to or greater than the five-year mandatory minimum. Therefore, reinstatement of this mandatory minimum will have a minimal fiscal impact on the Department of Corrections.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: January 13, 2020

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