



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 773

PRINTERS NO. 1022

PRIME SPONSOR: Quinn

COST / (SAVINGS)

FUND	FY 2021/22	FY 2022/23
General Fund	See "Fiscal Impact"	See "Fiscal Impact"
Motor License Fund	See "Fiscal Impact"	See "Fiscal Impact"
County Funds	See "Fiscal Impact"	See "Fiscal Impact"

SUMMARY: Creates an act referred to as "Deana's Law", which amends Title 75 (Vehicle Code) to increase some gradings for DUI offenses and require consecutive sentencing for certain repeat DUI offenders. This legislation would take effect in 120 days.

ANALYSIS: This legislation amends Title 75 to increase some gradings for DUI offenses and require consecutive sentencing for certain repeat DUI offenders.

Grading Increases: An individual who refuses a chemical or breath test or violates section 3802 (c) (DUI with a BAC of .16 or higher) or (d) (DUI involving controlled substances) and has the following number of prior offenses commits:

- an F3 for two prior offenses (currently F3);
- an F2 for three prior offenses (currently F3); and
- an F2 and a sentencing enhancement for four or more prior offenses (currently F3).

Consecutive Sentencing: A sentence imposed on an individual for a DUI offense who has two or more prior offenses shall be served consecutively to any other sentence the individual is serving or any other sentence imposed by the court, except for violations that are required to be merged.

FISCAL IMPACT: According to the Commission on Sentencing, there were 379 offenders of the aforementioned violations who were committed to a state correctional institution with a minimum sentence of greater than one year in 2019. There will also be an impact of consecutive county sentences aggregated that may become state sentences. According to the Pennsylvania Department of Corrections (DOC), the variable per inmate/per day rate for 300-599 inmates is roughly \$44. Assuming the same number of individuals (379) are newly sentenced to a term of imprisonment in a state correctional institution for one year, this would result in the DOC incurring annual costs of roughly \$6 million in the first year.

The total budget of the Department of Criminal Justice for fiscal year 2021-22 is over \$2.66 billion. In addition, the most recent monthly population report for the Department of Corrections indicates a total residential population of 38,740 and an operational bed capacity of 44,933. Therefore, it is estimated the Department could handle the additional costs of this legislation within its current budgetary and operational capacity.

Counties could also incur some additional costs for housing inmates for an extended period of time when an offender has multiple sentences and remains in county jail for a longer period of time.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: November 15, 2021

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