



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1590

PRINTERS NO. 1747

PRIME SPONSOR: Stephens

COST / (SAVINGS)

FUND	FY 2021/22	FY 2022/23
General Fund	See Fiscal Impact	

SUMMARY:

House Bill 1590 amends the Judicial Code (Title 42) concerning sentencing generally. It would take effect in 60 days.

ANALYSIS:

House Bill 1590 provides that at sentencing, a court must impose a sentence of no less than the shortest sentence within the standard range of the sentencing guidelines or five years, whichever is less, for defendants convicted of certain offenses. These are sentences for second and subsequent crimes of violence when a firearm was possessed during the commission of the offense, second and subsequent offenses for illegal possession of a firearm, and possession with intent to distribute controlled substances when a firearm was possessed during the commission of the offense.

A court may only impose a sentence shorter than that required by this legislation if it provides, on the record, a substantial and compelling reason that an injustice would occur by applying the required sentence. However, a court may not impose a sentence lower than the shortest sentence contemplated by the guidelines developed by the Pennsylvania Commission on Sentencing(Commission) or four years, whichever is lower, if any of the following apply:

- The defendant was previously convicted of an offense punishable by a term of imprisonment exceeding 2 years.
- The offense resulted in death or serious bodily injury.
- The defendant used violence or credible threats of violence, or induced another person to do so, during the commission of the offense.
- The defendant possessed a deadly weapon, or induced another person to do so, during the commission of the offense.

In every case where the court imposes a sentence outside the sentencing guidelines developed by the Commission, it must provide a contemporaneous written statement of the reason or reasons for the deviation to the Commission. The failure to provide such reasons to the Commission shall constitute grounds for vacating the sentence and resentencing the defendant.

FISCAL IMPACT:

According to data provided by the Pennsylvania Commission on Sentencing, enactment of this legislation could have a fiscal impact on the Department of Criminal Justice by increasing the incarceration or supervision sentences of certain offenders. It is estimated 169 offenders would have their minimum prison sentences increased and 42 offenders would have their minimum probationary sentences increased.

The total estimated cost of these increased sentences would be approximately \$1.7 million per year, but the impact would be spread over multiple, future fiscal years. 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.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: November 16, 2021

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