



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 87

PRINTERS NO. 64

PRIME SPONSOR: Baker

COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	\$0	See Fiscal Impact

SUMMARY:

Senate Bill 87 amends the Crimes Code, Domestic Relations Code, and the Judicial Code concerning the sexual abuse of children and the creation of a task force on child pornography. It would take effect in 60 days.

ANALYSIS:

Senate Bill 87 amends the Crimes Code concerning the sexual abuse of children. It provides that the grading of this offense will be one grade higher when a child depicted in pornography is under 10 years of age or is prepubescent.

This legislation also amends the Domestic Relations Code to create the Task Force on Child Pornography to conduct a review to ascertain any inadequacies relating to the offense of child pornography in the Crimes Code. The Task Force consists of 20 members, many of whom are government officials, either elected or appointed. Some of these officials are permitted to appoint designees. Other members are appointed by either the Governor or the caucus leaders of the General Assembly. Certain Task Force appointees must meet requirements specified in the legislation and overall must reflect the geographic diversity of the Commonwealth. The Governor selects the chair of the Task Force.

The Task Force must meet a minimum of four times, and meetings may be called by the chair or upon the written request of eight members of the Task Force to the chair. The first meeting must occur within 45 days of the effective date of this legislation and the Task Force must hold public hearings, as necessary, to obtain the information necessary to conduct its review, and actions of the Task Force will be by majority vote. The Pennsylvania Commission on Crime and Delinquency and the Joint State Government Commission will cooperate to provide administrative or other assistance to the task force.

Within one year of its first meeting, the Task Force must submit a report with its recommendations to the Governor and the General Assembly. This report must be adopted at a public meeting and will be a public record under the Right-to-Know Act. The Task Force will expire with the submission of this report.

Senate Bill 87 also amends the Judicial Code concerning sentencing for offenses involving the sexual abuse of children. It requires the Pennsylvania Commission on Sentencing to create a sentencing enhancement within its guidelines for the sexual abuse of children if the child victim depicted in the child pornography is known to the defendant. In addition, if a defendant is found guilty of sexually abusing children and the grading is increased due to the depiction of indecent contact with the child or the child depicted is under 10 years of age or prepubescent, the Commission must provide for a sentencing enhancement within its guidelines.

FISCAL IMPACT:

It is estimated the amendments to the Crimes Code concerning the sexual abuse of children will have a fiscal impact on the Commonwealth. According to 2018 sentencing data from the Pennsylvania Commission on Sentencing, there were 1,677 convictions for the sexual abuse of children, of which 163 would have had their offense grading increased by this legislation. Of those 163, there are 134 offenses graded as felonies of the third degree that would become felonies of the second degree and 29 offenses graded as felonies of the second degree that would become felonies of the first degree.

Of these 163 convictions, 53 were sentenced to a term of imprisonment in a state correctional institution. With the increased grading of offenses, assuming 50% of those individuals would receive an additional two years imprisonment in a state correctional institution with a marginal cost of approximately \$18.34 per inmate per day, the Commonwealth would incur additional costs of approximately \$355,000 per year.

Any fiscal impact from the creation of the Task Force on Child Pornography should be minor and can be handled within the current budgets of the Pennsylvania Commission on Crime and Delinquency and the Joint State Government Commission.

The amendments to the Judicial Code creating a sentencing enhancement may have a fiscal impact. According to the Pennsylvania Commission on Sentencing, a sentence enhancement currently exists when a child depicted in pornography is under 13 years of age or is prepubescent. Aside from the impact due to the increased grade of certain convictions, this legislation also requires two changes to the existing enhancement. The age of the child depicted drops from 13 to 10. This would have a minor impact since both the current enhancement and the proposed enhancement include a prepubescent child. The proposed sentence enhancement also includes circumstances where the child victim is known to the defendant. The Commission does not have data on this circumstance so a potential impact cannot be estimated.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: March 22, 2021

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