



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 1843

PRINTER'S NO. 2447 PRIME SPONSOR: Donahue

### COST / (SAVINGS)

FUND	FY 2023/24	FY 2024/25
General Fund	See Fiscal Impact	See Fiscal Impact

### SUMMARY:

Provides for sentencing considerations for child victim offenders.

### ANALYSIS:

House Bill 1843 inserts Section 5988.1 into the Judicial Code (Title 42). The legislation provides that if a child is convicted of an offense in a criminal proceeding following a motion filed by the prosecutor or the defendant and a hearing on the motion and the court finds, by clear and convincing evidence, that a victim of the child's criminal conduct had, within one year prior to the offense, engaged in, or forced or compelled the child to engage in, prohibited sexual conduct, and the offense was a direct result of the prohibited sexual conduct, or the child acted under the influence of substantial emotional distress during the commission of the offense, the court may:

- Depart from any applicable mandatory minimum sentence or sentencing enhancement,
- Impose a determination of guilt without further penalty,
- Transfer the child's case to the division or a judge of the court assigned to conduct juvenile hearings, or
- Reduce or waive the imposition of fines, court costs, or restitution.

The legislation clarifies that offenses under 18 Pa.C.S. Chapter 30 (relating to human trafficking) or Chapter 31 (relating to sexual offenses) would not qualify under this section.

This legislation would take effect in 60 days upon enactment.

### FISCAL IMPACT:

Enactment of this legislation would have an indeterminate impact on Commonwealth funds. To the extent that providing the courts with additional discretion for the specified offenses may reduce the number of incarcerated individuals, this legislation could lower costs. However, it is unknown how many offenders the legislation would apply to. Further, it is unknown how the courts would exercise this discretion. Because of these uncertainties, the impact of this legislation is unknown.

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House Appropriations Committee (D)

**DATE:** March 15, 2024

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