

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 78

PRINTER'S NO. 921

AMOUNT

No Fiscal Impact

FUND

Fish & General

DATE INTRODUCED

January 25, 2011

PRIME SPONSOR

Representative Benninghoff

HISTORY OF BILL

Referred to GAME AND FISHERIES, Jan. 25, 2011

Reported as amended, March 1, 2011

First consideration, March 1, 2011

Laid on the table, March 1, 2011

Removed from table, March 2, 2011

Second consideration, March 7, 2011

Re-committed to APPROPRIATIONS, March 7, 2011

Re-reported as committed, March 8, 2011

Third consideration and final passage, March 8, 2011 (196-2)

(Remarks see House Journal Page 384), March 8, 2011

In the Senate

Referred to GAME AND FISHERIES, March 11, 2011

Reported as committed, May 3, 2011

First consideration, May 3, 2011

Re-referred to APPROPRIATIONS, May 11, 2011

Re-reported as committed, June 26, 2011

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

DESCRIPTION AND PURPOSE OF BILL

House Bill 78 increases the grading and penalty for the offense of homicide by watercraft while operating under the influence of alcohol or drugs from a third to a second degree felony. As a second degree felony, the maximum penalty is increased to a fine of not less than \$5,000 or more than \$25,000, or imprisonment not exceeding 10 years, or both. The bill also provides that a consecutive three-year term of imprisonment be imposed for each victim whose death is a result of a violation of Section 5502. The current law, as a third degree felony, sets a mandatory minimum of three years imprisonment, with a penalty of not less than \$2,500 or more than \$15,000, or imprisonment not exceeding seven years, or both.

FISCAL IMPACT:

House Bill 78 is not expected to have any adverse fiscal impact on the Commonwealth. The Fish and Boat Commission has indicated that costs incurred prosecuting a second degree felony will be similar to those of a third degree felony. Historically, there have been very few cases of homicide by watercraft while operating under the influence of alcohol or drugs. During the last twenty years, there have been two cases. Because of the infrequent incidents resulting in convictions of this offense and the similar sentencing requirements, the estimated impact on the Department of Corrections is expected to be minimal or none.