

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 815

PRINTER'S NO. 4234

AMOUNT

Minimal Fiscal Impact

FUND

General Fund

DATE INTRODUCED

February 24, 2011

PRIME SPONSOR

Representative Grove

HISTORY OF BILL

Referred to JUDICIARY, Feb. 24, 2011

Reported as amended, May 3, 2011

First consideration, May 3, 2011

Laid on the table, May 3, 2011

Removed from table, May 9, 2011

Second consideration, May 10, 2011

Re-committed to APPROPRIATIONS, May 10, 2011

Re-reported as committed, May 11, 2011

Third consideration and final passage, May 23, 2011 (178-20)

(Remarks see House Journal Page 985-988), May 23, 2011

In the Senate

Referred to JUDICIARY, June 3, 2011

Reported as amended, Oct. 2, 2012

First consideration, Oct. 2, 2012

Second consideration, Oct. 3, 2012

Re-referred to APPROPRIATIONS, Oct. 3, 2012

Re-reported as amended, Oct. 16, 2012

DESCRIPTION AND PURPOSE OF BILL

House Bill 815 amends Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes further providing for the offense of sexual abuse of children; and providing for the offense of transmission of sexually explicit images by minor.

Specifically, this legislation amends the Crimes Code by adding §6321 (transmission of sexually explicit images by minor) which makes it a crime for a minor (individual under 18 years of age) to do any of the following:

- (A) Summary Offense - knowingly transmit, distribute, publish or disseminate an electronic communication containing a sexually explicit image of himself or knowingly possess or view a sexually explicit image of a minor who is 12 years of age or older;

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

- (B) Misdemeanor of the third degree - knowingly transmit, distribute, publish or disseminate an electronic communication containing a sexually explicit image of another minor who is 12 years of age or older; or
- (C) Misdemeanor of the second degree - make a visual depiction of any minor in a state of nudity without the knowledge and consent of the depicted minor; or transmit, distribute, publish or disseminate a visual depiction of any minor in a state of nudity without the knowledge and consent of the depicted minor, with the intent to coerce, intimidate, torment, harass or otherwise cause emotional distress to another minor.

A minor charged with §6321 may be referred to a diversionary program and after successful completion of such program; the record of the charge of violating subsection (A) shall be expunged.

This act shall take effect in 60 days.

FISCAL IMPACT:

The Pennsylvania Commission on Sentencing and the Juvenile Court Judges' Commission do not currently collect data that would allow for a prediction of fiscal impact, if any, on the judicial system with the passage of this legislation. Further, the anticipated additional number of expungement requests submitted to the Pennsylvania State Police cannot be determined at this time, although the Pennsylvania State Police have indicated that they do not foresee any fiscal impact other than a potential increase in investigations.

Therefore, it's anticipated that the enactment of this legislation would have a minimal fiscal impact on Commonwealth funds.