

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** House Bill 898

**PRINTER'S NO.** 954

**AMOUNT**

FY 2012-13 \$19,163

**FUND**

General Fund

**DATE INTRODUCED**

March 2, 2011

**PRIME SPONSOR**

Representative Toepel

**HISTORY OF BILL**

Referred to JUDICIARY, March 2, 2011

Reported as committed, March 7, 2011

First consideration, March 7, 2011

Laid on the table, March 7, 2011

Removed from table, April 12, 2011

Second consideration, April 13, 2011

Re-committed to APPROPRIATIONS, April 13, 2011

Re-reported as committed, April 26, 2011

Third consideration and final passage, April 26, 2011 (186-10)

In the Senate

Referred to JUDICIARY, May 3, 2011

Reported as committed, Oct. 15, 2012

First consideration, Oct. 15, 2012

Re-referred to APPROPRIATIONS, Oct. 15, 2012

Re-reported as committed, Oct. 16, 2012

Second consideration, Oct. 16, 2012

**DESCRIPTION AND PURPOSE OF BILL**

House Bill 898 amends §6111(h) of Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for subsequent violations for illegal sales or transfers of firearms by clarifying when the penalty for a second or subsequent offense applies.

Under current law a second or subsequent offense of §6111, defined as a conviction obtained prior to the commission of the current offense, is graded as a felony of the second degree and a mandatory minimum sentence of five years' incarceration is available for the prosecutor to pursue.

# **SENATE APPROPRIATIONS COMMITTEE**

## **FISCAL NOTE**

This legislation allows a conviction for §6111, obtained after commission of the current offense but before sentencing for the current offense, to count as a second or subsequent violation. It would increase the grading of the offense from a misdemeanor of the second degree or felony of the third degree to a felony of the second degree, and make available the five-year mandatory minimum sentence.

This act shall take effect in 60 days.

### **FISCAL IMPACT:**

According to the Pennsylvania Commission on Sentencing, their impact analysis of this legislation indicates that the state prison population will increase by 7 additional inmates the first year after enactment and will rise to an additional 40 inmates in year 8 and remain constant thereafter. Additionally, the state parole population will have a minimal increase beginning in year 5.

The Pennsylvania Department of Corrections (Department) estimates the daily per diem rate per inmate (when population increase is less than 150 inmates) in a State Correctional Institution at \$15.00.

Therefore, the enactment of this legislation may result in additional costs to the Department in an estimated amount of \$19,163 during the current fiscal year.