

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 1121

PRINTER'S NO. 4147

AMOUNT

Minimal Fiscal Impact

FUND

General Fund

DATE INTRODUCED

March 17, 2011

PRIME SPONSOR

Representative Reichley

HISTORY OF BILL

Referred to JUDICIARY, March 17, 2011

Reported as amended, April 12, 2011

First consideration, April 12, 2011

Laid on the table, April 12, 2011

Removed from table, May 2, 2011

Second consideration, with amendments, May 3, 2011

Re-committed to APPROPRIATIONS, May 3, 2011

(Remarks see House Journal Page 841-842), May 3, 2011

Re-reported as committed, May 4, 2011

Third consideration, with amendments, May 4, 2011

Final passage, May 4, 2011 (195-0)

(Remarks see House Journal Page 855), May 4, 2011

In the Senate

Referred to JUDICIARY, May 6, 2011

Reported as amended, Sept. 25, 2012

First consideration, Sept. 25, 2012

Second consideration, Oct. 1, 2012

Re-referred to APPROPRIATIONS, Oct. 1, 2012

Re-reported as amended, Oct. 1, 2012

DESCRIPTION AND PURPOSE OF BILL

House Bill 1121 amends Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes by adding a criminal offense for recruiting criminal gang members and providing for the sentencing for offenses committed in association with a criminal gang.

This legislation establishes a new criminal offense of "recruiting criminal gang members." A person commits the offense of recruiting criminal gang members by:

- (1) Knowingly soliciting or otherwise causing or attempting to cause a person to participate or remain in a criminal gang (Misdemeanor of the second degree);

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

- (2) Knowingly inflicting bodily injury or using physical menace, force, threats or other intimidation causing or attempting to cause a person to participate or remain in a criminal gang (Misdemeanor of the first degree); or
- (3) Knowingly inflicting serious bodily injury on any person causing or attempting to cause a person to participate or remain in a criminal gang (Felony of the third degree).

A violation of any of the sub-sections listed above shall be graded one degree higher if the subject of the recruiting is under 16 years of age. Therefore, (1) would become a Misdemeanor of the first degree, (2) would become a Felony of the third degree and (3) would become a Felony of the second degree.

“Criminal gang” is defined in the legislation as a formal or informal ongoing organization, association or group, with or without an established hierarchy, that has as one of its primary activities the commission of criminal or delinquent acts and that consists of three or more persons.

Finally, this legislation directs the Pennsylvania Commission on Sentencing to provide a sentencing enhancement for a crime of violence or drug trafficking if the offense was knowingly committed at the direction of or for the purpose of benefitting, promoting or furthering the interests of a criminal gang.

This act shall take effect in 60 days.

FISCAL IMPACT:

Enactment of this legislation may have a fiscal impact to the extent that sentences are enhanced. However, the exact nature of the sentencing enhancement is left to the discretion of the Pennsylvania Commission on Sentencing. It’s anticipated that this legislation will not have an immediate impact on the prison population. In most cases, individuals impacted by the enhanced sentencing provisions would likely be incarcerated regardless of the provisions contained in the act. It’s assumed, therefore, that the number of individuals to be sentenced and the duration of sentences imposed under this legislation will have a de minimus impact on prison population.

The enactment of this legislation would have a minimal fiscal impact on Commonwealth funds.