

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

BILL NO. Senate Bill 903

PRINTER'S NO. 2385

AMOUNT

FY 2013-14 \$21,900 Costs to DOC

FUND

General Fund

DATE INTRODUCED

March 25, 2012

PRIME SPONSOR

Senator Rafferty

HISTORY OF BILL

Referred to JUDICIARY, March 25, 2011

Reported as amended, Dec. 6, 2011

First consideration, Dec. 6, 2011

Re-referred to APPROPRIATIONS, Jan. 18, 2012

Re-reported as amended, Sept. 24, 2012

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 903 amends Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes further providing for possession of firearm or other dangerous weapon in court facility, for arson and related offenses and for sentences for second and subsequent offenses; and providing for sentencing for arson offenses:

Specifically, this legislation does the following:

- Adds to the definition of "dangerous weapon" in §913 (Possession of firearm or other dangerous weapon in court facility) of Title 18 of the Pennsylvania Consolidated Statutes any explosive or incendiary device or material when possessed with the intent to use or to provide such a device or material to commit an offense described in the chapter relating to arson, criminal mischief and other property destruction;
- Amends §3301(Arson and related offenses) of Title 18 of the Pennsylvania Consolidated Statutes by establishing a new criminal offense entitled Aggravated Arson;
- Provides for the grading of and the sentencing for the offense of Aggravated Arson dependent upon the circumstances surrounding the committing of such offense;
- Amends §9714 (Sentences for second and subsequent offenses) of Title 42 of the Pennsylvania Consolidated Statutes by adding to the definition of "crime of violence," endangering persons or aggravated arson; and
- Further amends Title 42 by adding a new subsection to provide for certain sentences involving arson offenses and sentencing enhancements created by the Pennsylvania Commission on Sentencing and provided for in its sentencing guidelines.

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The newly created offense of "aggravated arson," a felony of the first degree, is when the offender intentionally starts a fire or explosion or aids, counsels, pays or agrees to pay another person to do so whether the offender's own property or another's property and:

1. the offender attempts to cause or intentionally, knowingly, or recklessly causes bodily injury to another (including first responders); or
2. the offender commits the offense when a person is in the property.

If the fire or explosion unintentionally causes a person's death, it is 2nd degree murder and 1st degree murder if a person's death is intentionally caused. This legislation increases the statutory maximum sentence from 20 years to 40 years if bodily injury results to a firefighter, police officer or other person engaged in fighting the fire, or serious bodily injury results to a civilian.

Further, this legislation requires the Pennsylvania Commission on Sentencing to create a sentencing enhancement. An enhancement is required if:

- 1) arson resulted in bodily injury to first responders such a fire fighters, police, etc.;
- 2) if arson resulted in serious bodily injury to civilian(s);
- 3) more than three (3) people were inside property at the time of the crime; or
- 4) the arson resulted in more than \$1 million in property damage.

This act shall take effect in 60 days.

FISCAL IMPACT:

According to the Pennsylvania Commission on Sentencing, if all offenders are subject to the 40 year maximum and the sentencing guideline enhancement, the state prison population will increase by approximately 4 inmates during the first year after enactment increasing to approximately 38 inmates after the fifth year.

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 \$21,900 during the first fiscal year.