

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

BILL NO. House Bill 74

PRINTER NO. 65

AMOUNT

No Fiscal Impact
FY 2016-17 through FY 2021-22

FUND

General Fund

DATE INTRODUCED

January 21, 2015

PRIME SPONSOR

Representative Kauffman

DESCRIPTION AND PURPOSE OF BILL

House Bill 74 amends Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of endangering the welfare of children.

Currently, under §4304 (relating to Endangering welfare of children) this offense is graded as a misdemeanor of the first degree, punishable by up to five (5) years in prison, unless there is a course of conduct of endangering the welfare of a child, in which case the offense is a felony of the third degree, punishable by up to seven (7) years in prison. This legislation amends §4304 (relating to Endangering welfare of children) by modifying the grading of the offense in the following circumstances:

- The general grading of this offense will remain as a misdemeanor of the first degree, unless there is a course of conduct of endangering the welfare of a child, in which case the offense is a felony of the third degree;
- If the actor created a substantial risk of death or serious bodily injury, the offense constitutes a felony of the third degree;
- If the actor's conduct created a substantial risk of serious bodily injury and was part of a course of conduct, the offense constitutes a felony of the second degree; and
- If the child was under the age of six years at the time of the commission of the offense, the grading of the offense shall be increased by one grade.

This act shall take effect in 60 days.

FISCAL IMPACT:

According to the Pennsylvania Commission on Sentencing (PCOS), the fiscal impact deriving from the enactment of this legislation would not be recognized until five (5) to seven (7) years from the date of enactment. Therefore, there is no anticipated fiscal impact for fiscal years 2016-17 through 2021-22. Also according to the PCOS, although approximately 700 individuals per year are convicted of endangering the welfare of a child, 600 as a misdemeanor and 100 as a felony, there is no data available to determine what proportion of convictions would be impacted and what the fiscal impact would be with enactment of this legislation, beginning in FY 2022-23.