

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

BILL NO. House Bill 128

PRINTER NO. 94

AMOUNT

See Fiscal Impact

FUND

General Fund

DATE INTRODUCED

January 23, 2017

PRIME SPONSOR

Representative Jozwiak

DESCRIPTION

House Bill 128 amends Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to increase the penalty and grading of the offense of dealing in infant children.

§ 4305 (relating to dealing in infant children) is amended by increasing the grading of the offense from a misdemeanor of the first degree, punishable by a fine not exceeding \$10,000 and a term of imprisonment, the maximum of which is not more than five (5) years, to a felony of the first degree, punishable by a fine not exceeding \$25,000 and a term of imprisonment, the maximum of which is not more than twenty (20) years.

The legislation defines "infant children" as a child one year of age and under.

This act shall take effect in 60 days.

FISCAL IMPACT:

According to the Pennsylvania Commission on Sentencing, the last reported sentencing for 18 Pa. C.S. § 4305 (relating to dealing in infant children) was in 1998, in which a defendant received a standard sentence of 20 days – 23 months in a county jail.

According to the Administrative Office of Pennsylvania Courts (AOPC), there is currently a case pending in a court of common pleas for a charge of 18 Pa. C.S. § 4305 (relating to dealing in infant children). The marginal cost per inmate/per day in a state correctional institution in the Commonwealth is currently \$17.82. Assuming the defendant is convicted and receives the maximum sentence allowed under this legislation, a term of imprisonment of 20 years, the Pennsylvania Department of Corrections (the department) would incur total additional costs of \$97,500, or \$6,500 of additional cost each year for fifteen years. The department is able to accommodate this increased cost within existing budgeted amounts.