

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 1092

PRINTER NO. 1710

AMOUNT

See Fiscal Impact

FUND

General Fund

DATE INTRODUCED

March 23, 2018

PRIME SPONSOR

Senator Mensch

DESCRIPTION

Senate Bill 1092 amends Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a sentence enhancement for certain violations of 18 Pa.C.S. §2701 (relating to simple assault) or §2702 (relating to aggravated assault).

This legislation amends Title 42 by adding a new §9720.8 (Sentencing for offenses involving domestic violence in the presence of a minor). This new section provides for a sentence enhancement within the Pennsylvania Commission on Sentencing's guidelines for an offense under 18 Pa.C.S. §2701 (relating to simple assault) or §2702 (relating to aggravated assault), specifying variations from the range of sentences applicable based on such aggravating circumstances as the assault was committed against a family or household member and the defendant knew the crime was witnessed, either through sight or sound, by a minor who is also a family or household member of the defendant or the victim.

The term "family or household member" shall have the same meaning as "family or household members" under 23 PA.C.S. §6102 (relating to definitions), where it is defined as "spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners, or persons who share biological parenthood."

This act shall take effect in 60 days.

FISCAL IMPACT:

According to 2017 sentencing data from the Pennsylvania Commission on Sentencing (commission), there were 8,311 violations of 18 Pa.C.S. §2701 (relating to simple assault) and §2702 (relating to aggravated assault). The commission's analysis from their risk assessment sample that included RAP sheet domestic violence (DV) indicators found that approximately 40% of offenders charged with simple assault and 20% of offenders charged with aggravated assault had a DV indication. However, the indicator may have been from a past arrest and not the current arrest. The commission, in consultation with the Pennsylvania State Police (PSP), assumed a 50/50 split (half with DV attached to priors and half to current arrest), thereby reducing the percentage of simple assaults and aggravated assaults to 20% and 10%, respectively. The commission has stated that an increase of one offense gravity score would be a realistic sentence enhancement.

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Based on the assumptions above, a sentence enhancement would result in an additional 213 beds to the Department of Corrections (DOC) annually. However, this legislation provides for a sentence enhancement only if the assault occurred in the presence of a minor. Neither the commission nor the PSP has any data for determining this factor.

Assuming that the sentence enhancement would apply in 10% of the DV assaults projected, it would result in 21 additional beds to the DOC annually. Based on an inmate variable cost per day to the DOC (\$17.82 per day), the sentence enhancement may result in \$136,590 additional annual costs to the DOC.