

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 256

PRINTER NO. 4054

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

January 29, 2019

PRIME SPONSOR

Representative Metzgar

DESCRIPTION

House Bill 256 amends Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to further provide for the offense of assault by prisoner; institutional sexual assault; and in registration of sexual offenders, further providing for sexual offenses and tier system.

This legislation amends Title 18 as follows:

- Section 2703 (relating to assault by prisoner) is amended to grade an assault by a prisoner on a detention facility or correctional facility employee with a deadly weapon or instrument, or by any means or force likely to produce bodily injury, a felony of the second degree. The offense is graded as a felony of the first degree if the assault is likely to produce serious bodily injury. Sentences imposed under this section shall be served consecutively with the person's current sentence;
- Section 3124.2 (relating to institutional sexual assault) is amended to include a person being supervised by certain persons under probation or parole supervision to the list of protected persons for the offenses of institutional sexual assault and institutional sexual assault of a minor;
- Adds subsection (a.4) (relating to peace officers) to provide that a person who is a peace officer or employee of an agency employing a peace officer in his official capacity commits a felony of the third degree when the person engages in sexual intercourse, deviate sexual intercourse or indecent contact with another person who is under official detention or in the custody of the person or is a confidential informant of the person;
- Adds subsection (a.5) (relating to consent not a defense) to provide that consent is not a defense to a violation of § 3124.2 (relating to institutional sexual assault);
- Defines "child" as an individual who is less than 18 years of age;
- Defines "confidential informant" as an individual who engages in the activity of associating with persons engaged in criminal activity for the purpose of furnishing information to or acting as an agent for a law enforcement agency;

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- Defines “custody” such that the term includes a traffic stop, a custodial interrogation or an interview conducted in connection with an investigation; and
- Defines “official detention” as the term is defined in § 5121 (relating to escape).

This act shall take effect in 60 days.

FISCAL IMPACT:

According to the Pennsylvania Department of Corrections and the Pennsylvania Board of Probation and Parole, enactment of this legislation will have no effect on Commonwealth funds.