

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

BILL NO. House Bill 2176

PRINTER NO. 3082

AMOUNT

See Fiscal Impact

FUND

General Fund

DATE INTRODUCED

January 6, 2020

PRIME SPONSOR

Representative Mustello

DESCRIPTION

House Bill 2176 amends Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes further providing for the offense of unlawful contact with minor.

This legislation amends section 6318 (relating to unlawful contact with minor) to expand the list of offenses that would constitute the offense of unlawful contact with minor as follows:

- 1) Any of the offenses enumerated in Chapter 30 (relating to human trafficking) if the activity involved sexual servitude and the victim was a minor;
- 2) Any of the offenses enumerated in Chapter 31 (relating to sexual offenses);
- 3) Incest as defined in section 4302(b) (relating to incest);
- 4) Endangering welfare of children as defined in section 4304(a)(1) (relating to endangering welfare of children) if the activity involved sexual contact with the minor;
- 5) Corruption of minors as defined in section 6301(a)(1)(i) (relating to corruption of minors) if the activity involved sexual contact with the minor;
- 6) Corruption of minors as defined in section 6301(a)(1)(ii); and
- 7) An attempt, solicitation or conspiracy to commit any of the offenses in section 6318 (relating to unlawful contact with minor).

This act shall take effect in 60 days.

FISCAL IMPACT:

According to 2019 data from the Pennsylvania Commission on Sentencing (commission), there were 2,564 convictions for offenses enumerated in 18 Pa.C.S. § 4302, § 4304 and § 6301, of which 167 were identified as having a victim less than 18 years of age. 2018 data shows that 19% of defendants convicted of the above listed offenses were sentenced to imprisonment in a state correctional institution for 17 to 45 months.

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Additionally, there were 113 convictions of 18 Pa.C.S. § 6318 where the offense was the most serious offense in a judicial proceeding. Based on 2018 data that takes consecutive versus concurrent sentences into consideration, there is an impact in 65% of the sentences for 18 Pa.C.S. § 6318 that would be served in a state correctional institution for 73 to 153 months.

Assuming 109 (65%) of the 167 defendants convicted of 18 Pa.C.S. § 4302, § 4304 and § 6301 would be sentenced to an additional 56 months in a state correctional institution, with a marginal cost of \$18.34 per inmate/per day, the Commonwealth would incur additional annual costs of approximately \$729,657.