

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 103

PRINTER NO. 3500

AMOUNT

See Fiscal Impact

FUND

General Fund

DATE INTRODUCED

January 11, 2021

PRIME SPONSOR

Representative Schmitt

DESCRIPTION

House Bill 103 amends Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to further provide for certain offenses against law enforcement officers.

Chapter 27 of Title 18 is amended as follows:

- § 2702.1 (relating to assault of law enforcement officer) is graded as a felony of the third degree if a person intentionally or knowingly causes or attempts to cause a law enforcement officer to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling the fluid or material. The offense is upgraded to a felony of the second degree if the person knew, had reason to know or believed the fluid or material to have been obtained from an individual, including the person charged, infected by a communicable disease that is communicable by the method used or attempted to be used;
- § 2703 (relating to assault by prisoner) clarifies that the communicable disease referenced in the section is communicable to another by the method used or attempted to be used to cause another to come into contact with the blood, seminal fluid, saliva, urine or feces; and
- § 2704 (relating to assault by life prisoner) clarifies that the communicable disease referenced in the section is communicable to another by the method used or attempted to be used to cause another to come into contact with the blood, seminal fluid, saliva, urine or feces.

This act shall take effect in 60 days.

FISCAL IMPACT:

According to the Pennsylvania Commission on Sentencing (commission), there were three convictions of § 2702.1 (relating to assault of law enforcement officer) in 2019. However, these convictions involved discharging a firearm, not the offenses addressed by House Bill 103.

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A person convicted of a felony of the second degree may be sentenced to a term of imprisonment, the maximum of which is not more than ten years, and a person convicted of a felony of the third degree may be sentenced to a term of imprisonment, the maximum of which is not more than seven years.

According to the Pennsylvania Department of Corrections (department), the marginal cost per inmate/per day for less than 300 inmates is approximately \$35.39. Assuming five additional sentences of a term of imprisonment for an average of eight years as a result of the amendment to § 2702.1, this would result in the department incurring an additional cost of approximately \$64,587 annually, or \$516,696 over the full term of imprisonment.

The clarifying language added to § 2703 (relating to assault by prisoner) and § 2704 (relating to assault by life prisoner) do not impact the penalties available for those offenses. Therefore, those amendments will have no fiscal impact on Commonwealth funds.