

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** House Bill 146

**PRINTER NO.** 915

**AMOUNT**

See Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

January 13, 2021

**PRIME SPONSOR**

Representative Bernstine

**DESCRIPTION**

House Bill 146 amends Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes to further provide for parole power of the Pennsylvania Parole Board.

This legislation amends § 6137 (relating to parole power) of Title 61 by prohibiting the Pennsylvania Parole Board (board) from releasing on parole an inmate convicted of a violent offense committed while incarcerated for at least 24 months following the expiration of the minimum term of imprisonment fixed by the court or 24 months following the conviction, whichever is longer.

Additionally, the board is prohibited from releasing on parole an inmate convicted of an obstruction of justice offense committed while incarcerated for at least 12 months following the expiration of the minimum term of imprisonment fixed by the court or 12 months following the conviction, whichever is longer.

The bill adds the following definitions:

- “Obstruction of justice offense” is defined as an act, conspiracy or solicitation to commit any of the following offenses under 18 Pa.C.S. (relating to crimes and offenses):
  - Section 4952 (relating to intimidation of witnesses or victims);
  - Section 4953 (relating to retaliation against witness, victim or party);
  - Section 4958 (relating to intimidation, retaliation or obstruction in child abuse cases);
  - Section 5121 (relating to escape);
  - Section 5122 (relating to weapons or implements for escape); and
  - Section 5123(a), (a.2) or (c) (relating to contraband).
- “Violent offense” is defined as an act, conspiracy or solicitation to commit any of the following offenses under 18 Pa.C.S. (relating to crimes and offenses):
  - Section 2501 (relating to criminal homicide);
  - Section 2702 (relating to aggravated assault);
  - Section 2702.1 (relating to assault of law enforcement officer);

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- Section 2703 (relating to assault by prisoner);
- Section 2703.1 (relating to aggravated harassment assault by prisoner);
- Section 2718 (relating to strangulation);
- Section 3121 (relating to rape);
- Section 3123 (relating to involuntary deviate sexual intercourse);
- Section 3124.1 (relating to sexual assault);
- Section 3125 (relating to aggravated indecent assault);
- Section 3126 (relating to indecent assault);
- Section 3301 (relating to arson); and
- Section 5501 (relating to riot).

Finally, section 2 of the bill provides that this amendment to § 6137 shall only apply to individuals who are incarcerated for crimes committed on or after the effective date of this act.

Section 2 of the act shall take effect immediately, and the remainder of the act shall take effect in 60 days.

## **FISCAL IMPACT:**

According to the Pennsylvania Department of Corrections (department), the number of inmates held for a longer period of time in a state correctional institution as a result of this act would be minimal, and any costs incurred would be capable of being accommodated with the department's current workload and budget.

The marginal cost per inmate/per day for less than 300 inmates is approximately \$35.39. Assuming 10 inmates would not be paroled and would remain incarcerated in a state correctional institution for 12-24 additional months, this would result in the department incurring an additional cost of approximately \$129,173 annually.