

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** House Bill 1429

**PRINTER NO.** 1902

**AMOUNT**

See Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

May 17, 2021

**PRIME SPONSOR**

Representative Schlegel Culver

**DESCRIPTION**

House Bill 1429 amends Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes providing for the offense of financial exploitation of an older adult or care-dependent person.

This legislation amends Title 18 by adding a new section 3922.1 (relating to financial exploitation of an older adult or care-dependent person). A person is guilty of this new offense if the person in a position of trust takes or attempts to take money, assets or property of an older adult or care-dependent person.

The following terms are defined in the bill:

- “care-dependent person” - an adult who, due to physical or cognitive disability or impairment, requires assistance to meet needs for food, shelter, clothing, personal care or health care;
- “older adult” - a person who is at least 60 years of age; and
- “position of trust” - a family member, joint tenant or tenant in common, someone who holds a fiduciary obligation to the older adult, someone who receives compensation to provide care, neighbors and friends who have access to them, and intimate partners of the older adult or care-dependent individuals.

This new offense is graded as follows:

- Felony of the first degree if the amount involved is at least \$500,000 or the person participated in a course of conduct resulting in the loss of property of two or more older adults or care-dependent persons. A felony of the first degree is punishable by a term of imprisonment of up to 20 years and/or a fine of up to \$25,000;
- Felony of the second degree if the amount involved is at least \$100,000 but less than \$500,000. A felony of the second degree is punishable by a term of imprisonment of up to 10 years and/or a fine of up to \$25,000;
- Felony of the third degree if the amount involved exceeds \$2,000 but is less than \$100,000. A felony of the third degree is punishable by a term of imprisonment of up to 7 years and/or a fine of up to \$15,000; and

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- Misdemeanor of the first degree in all other cases. A misdemeanor of the first degree is punishable by a prison term of up to 5 years and/or a fine of up to \$10,000.

Additionally, the legislation clarifies that the district attorney of a county shall have the authority to investigate and institute criminal proceedings for any violation of this new section. The Attorney General is granted concurrent jurisdiction if the amount involved exceeds \$20,000.

This act shall take effect in 60 days.

### **FISCAL IMPACT:**

Enactment of this legislation may result in a fiscal impact on Commonwealth funds due to an inmate population increase in State Correctional Institutions. The impact will depend on the number of prosecutions and convictions that will result in a defendant being sentenced to a State Correctional Institution and the term of their sentence.

The variable per inmate/per day rate for an inmate in a State Correctional Institution is determined by the additional number of inmates being sentenced to a State Correctional Institution. The variable per inmate/per day rates for the State Correctional Institutions are as follows:

- 0 - 299 additional inmates = \$29.44 per inmate per day
- 300 - 599 additional inmates = \$55.73 per inmate per day
- 600 - 900 additional inmates = \$84.92 per inmate per day
- 900 + additional inmates = \$143.32 per inmate per day

If the provisions of this legislation annually result in the conviction of 10 additional individuals who are sentenced to state confinement, additional costs to the Department of Corrections would be approximately \$107,456 in the first year, increasing to \$1.667 million in year 10 when 100 additional individuals would be in state custody. The total cost under this assumed model is estimated at \$7,975,500 over the ten-year period (see the following chart).

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Year		1	2	3	4	5	6	7	8	9	10
<b>Per. Diem – Small Population Increases</b>		\$29.44	\$30.91	\$32.46	\$34.08	\$35.78	\$37.57	\$39.45	\$41.43	\$43.50	\$45.67
	1	10	10	10	10	10	10	10	10	10	10
	2		10	10	10	10	10	10	10	10	10
	3			10	10	10	10	10	10	10	10
	4				10	10	10	10	10	10	10
	5					10	10	10	10	10	10
	6						10	10	10	10	10
	7							10	10	10	10
	8								10	10	10
	9									10	10
	10										10
<b>Total Inmates:</b>		10	20	30	40	50	60	70	80	90	100
<b>Annual Cost:</b>		\$107,456	\$225,658	\$355,411	\$497,575	\$653,067	\$822,865	\$1,008,009	\$1,209,611	\$1,428,853	\$1,666,995
<b>Cumulative:</b>		\$107,456	\$333,114	\$688,524	\$1,186,099	\$1,839,167	\$2,662,031	\$3,670,040	\$4,879,651	\$6,308,505	\$7,975,500