

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 819

PRINTER NO. 928

AMOUNT

See Fiscal Impact

FUND

General Fund
Judicial Computer System
Augmentation Account

DATE INTRODUCED

June 20, 2023

PRIME SPONSOR

Senator Yaw

DESCRIPTION

Senate Bill 819 amends Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, providing for the offenses relating to critical infrastructure facilities.

This legislation amends Title 18 by adding a new § 3506 (offenses relating to critical infrastructure facilities) to provide for the following offenses:

- 1) Trespass – A person commits a misdemeanor of the third degree if the person willfully and knowingly trespasses or enters property containing a critical infrastructure facility without permission by the owner or lawful occupant. A person convicted of this offense shall be sentenced to pay a fine of not less than \$500 or to imprisonment for not less than 30 days nor more than one year, or both. A person convicted of conspiring to commit this offense shall be subject to the same grading (M3) and shall be sentenced to pay a fine of not less than \$5,000. This offense is graded as a felony of the third degree if the intent of the trespasser is to damage, destroy, vandalize, etc. the critical infrastructure facility, and the trespasser shall be sentenced to pay a fine of not less than \$1,000 or to imprisonment in a state correctional facility for not less than one year nor more than three years, or both; and
- 2) Vandalism – A person commits a felony of the third degree if the person:
 - i. Willfully damages, destroys, vandalizes, etc. a critical infrastructure facility. A person convicted of this offense shall be sentenced to pay a fine of not less than \$2,000 or to imprisonment in a state correctional facility for not less than one year nor more than five years, or both; or
 - ii. Conspires with another person to willfully damage, destroy, vandalize, etc. a critical infrastructure facility. A person convicted of this offense shall be sentenced to pay a fine of not less than \$10,000.

The legislation establishes a civil cause of action against a person who is arrested for or convicted of an offense under § 3506 for damages to personal or real property, including damages to pipeline construction and pigging stations.

“Critical infrastructure facility” is specifically defined in the legislation.

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FISCAL NOTE

This act shall take effect in 60 days.

FISCAL IMPACT:

According to the latest available data from the Pennsylvania Commission on Sentencing for 2021, there were 1,630 convictions of a similar offense (criminal trespass), of which 107 defendants were sentenced to incarceration in a state correctional institution.

Assuming 5% of the 107 cases involved a "critical infrastructure facility," five individuals would be charged under this new § 3506. Using the Department of Corrections' minimum marginal cost of \$44.12 per inmate/per day for less than 300 inmates, the Commonwealth would incur additional costs of approximately \$80,519 annually for every five defendants sentenced to a State Correctional Institution.

Additional revenue to be deposited into the Judicial Computer System Augmentation Account will be dependent upon the number of fines collected by the courts.