



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 865

PRINTERS NO. 976

PRIME SPONSOR: Gordner

COST / (SAVINGS)

FUND	FY 2012/13	FY 2013/14
General Fund	\$0	\$0

SUMMARY: Senate Bill 865 amends the Controlled Substance, Drug, Device and Cosmetic Act concerning liquefied ammonia gas, precursors and chemicals. It would take effect in 60 days.

ANALYSIS: Section 13.1 of the Controlled Substances Act currently prohibits the possession of liquefied ammonia gas, precursors and other chemicals if the actor's intent is to use them to manufacture a controlled substance. Act 21 of 2010 expanded the section to add a new Subsection (a)(4) to prohibit possession of the salts, isomers, esters and other compounds related to the prohibited chemicals. However, Act 21 failed to amend the subsection establishing penalties for illegal possession to reflect the additional chemicals included in subsection (a)(4), leaving a violation of that subsection with no penalty.

This legislation corrects that oversight by making a violation of Subsection (a)(4) a felony punishable by imprisonment not to exceed 7 years and a fine up to \$15,000. This is the same penalty which applies to possession of the core substances.

FISCAL IMPACT: Enactment of this legislation will have no adverse impact on Commonwealth funds. According to the most recent data available from the Pennsylvania Commission on Sentencing, there were 38 convictions in 2011 for violations of section 13.1 of the Controlled Substances Act for which there was a penalty. Of these convictions, 42% served time in state prison, 34% went to county jails, and the remainder served probation. Given these numbers, the addition of the penalty contained in this legislation is not expected to have a measurable impact on the state or local prison and probation systems in the Commonwealth.

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House Appropriations Committee (R)

DATE: June 18, 2013

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.