



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 1024

PRINTERS NO. 1661

PRIME SPONSOR: Rafferty

COST / (SAVINGS)

FUND	FY 2013/14	FY 2014/15
General Fund	See "Fiscal Impact" below.	

SUMMARY:

Senate Bill 1024 amends the Crimes Code and the Judicial Code concerning possession of firearms or other dangerous weapons in court facilities, arson, and sentencing for arson. It would take effect in 60 days.

ANALYSIS:

This legislation amends the Crimes Code section concerning possession of firearms or other dangerous weapons in court facilities by making a technical change to the definition of "dangerous weapon" in that section.

Senate Bill 1024 also amends the Crimes Code concerning arson and related offenses by adding the offense of aggravated arson. Aggravated arson is defined as intentionally starting a fire or causing an explosion, or aiding, counseling, or paying another to do the same in an attempt to cause bodily injury to another, or when a person is present in the targeted property. Aggravated arson is a felony of the first degree, punishable by imprisonment of not more than 20 years. If aggravated arson results in the death of any person, it would be considered murder of the second degree. A person convicted of aggravated arson may be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years if bodily injury results to a firefighter, police officer or other person actively engaged in fighting the fire; or serious bodily injury results to a civilian.

The section on arson in the Crimes Code is also amended to add the offense of arson of an historic resource. "Historic resource" is defined as a building or structure including a covered bridge that has been in existence for more than 100 years or has been listed on the National Register of Historic Places or the Pennsylvania Register of Historic Places. This crime would be a felony of the second degree, punishable by a sentence of not more than 10 years in prison. The amendment also establishes a minimum sentence of at least one year in prison.

The Judicial Code is also amended by this bill. The Pennsylvania Commission on Sentencing (PCS) is required to provide for a sentence enhancement for arson offenses if bodily injury results to a firefighter, police officer or other person actively engaged in fighting the fire; serious

bodily injury results to a civilian; more than three people were present inside the property at the time of the offense; the fire caused more than \$1,000,000 in property damage; or the arsonist used, attempted to use or possessed an explosive or incendiary device.

In addition, the Judicial Code is amended to establish a minimum sentence of at least one year in prison for the offense of arson of an historic resource.

FISCAL IMPACT:

In order to be guilty of aggravated arson, arson of an historic resource, or to be subject to the additional penalties and sentencing enhancements provided for in this legislation, an offender would at least be guilty of arson under current law. According to the PCS, in 2012 165 individuals were convicted of some form of arson under current law. It is not possible to determine how many of these cases would have been impacted by this legislation had it been in effect. However, this legislation could eventually have a fiscal impact on the state Department of Corrections if a large enough proportion of arson offenders have their sentences extended beyond the 10 and 20 year maximums in current law.

It could also have an impact on local prisons for arson of an historic resource based on the new one year mandatory minimum sentence for this crime. However, given the specific nature of this new crime, it seems unlikely the number of convictions would be large.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: December 17, 2013

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