HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 2266   **PRINTERS NO**. 3738   **PRIME SPONSOR**: Quigley

COST / (SAVINGS)

FUND	FY 2016/17	FY 2017/18
General Fund	See "Fiscal Impact" below.	

SUMMARY:

House Bill 2266 amends the Judicial Code concerning sentencing for offenses involving indecent exposure when children are present. It would take effect in 60 days.

ANALYSIS:

House Bill 2266 adds a new section to the Judicial Code concerning sentencing for offenses involving indecent exposure when children are present. It requires the Pennsylvania Commission on Sentencing to create a sentencing enhancement for the offense of indecent exposure if it is graded as misdemeanor of the first degree, which means the offender knew, or should have known, that persons present were under 16. The enhancement must specify variations from the range of sentences applicable based on such aggravating circumstances as the number of people present and under 16 years of age, the age of each person present and under 16 years of age, and the nature and character of the indecent exposure.

FISCAL IMPACT:

Enactment of this legislation is expected to have only a minimal impact on Commonwealth funds. According to the Pennsylvania Commission on Sentencing, approximately 100 individuals per year are convicted of indecent exposure as a first degree misdemeanor. Under current law, approximately 19 are sent to state prison, 16 to county jails, and the remainder receive probation, or other sentencing that does not involve incarceration. Enactment of this sentencing enhancement could increase the number of offenders sentenced to state prison and county jails and may increase average sentences. However, given the small numbers involved, the Department of Corrections does not expect a significant fiscal impact.

PREPARED BY: Jeff Miller
                     House Appropriations Committee (R)

DATE: October 26, 2016

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