



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 1304

PRINTER'S NO. 3736

PRIME SPONSOR: Solomon

### COST / (SAVINGS)

FUND	FY 2024/25	FY 2025/26
General Fund	See Fiscal Impact	See Fiscal Impact

### SUMMARY:

Amends Chapter 53 (911 Emergency Communication Services) of Title 35 (Health and Safety) to provide for the next generation 911 system.

### ANALYSIS:

House Bill 1304 Printer's Number 3736 amends Chapter 53 (911 Emergency Communication Services) of Title 35 (Health and Safety) in the following ways:

- Provides for new and amended definitions in Section 5302
- Section 5303 amends and adds to the powers and duties of the Pennsylvania Emergency Management Agency (PEMA) as it pertains to Next Generation 911. The section is also amended to add a representative of the Pennsylvania Career Fire Chiefs Association to the 911 Advisory Board.
- Section 5304 requires counties to develop, publish, maintain, and provide required GIS layers that meet the NG911 GIS Data Model, to utilize the Next Generation 911 call delivery services procured by PEMA, and to maintain compliance with cybersecurity standards published by PEMA.
- Section 5304.2 establishes powers and duties related to the 911 system for addressing authorities in the Commonwealth.
- Section 5304.3 establishes requirements for the NG911 provider.
- Section 5305 requires 911 system plans to include implementation plans for Next Generation 911 technology.
- Section 5306.1 repeals provisions related to 911 fund distribution and stipulates that the distribution formula shall be reviewed at the discretion of the board but no more than once within a four-year period.
- Section 5307 is amended to allow the Department of Revenue to request information and require audits or reports relating to program compliance from any entity remitting the surcharge to the 911 fund.
- Section 5307.1 is amended to clarify that each seller that remits the surcharge shall certify the accuracy of the remittance annually using procedures provided by the department.
- Section 5309 is amended to reformat and codify telephone record access. The section further requires 911 service providers to give location information as part of the 911 service, to synchronize information with GIS info at the county level, and it allows 911 service providers to seek reimbursement for costs for providing and maintaining 911 information.
- Section 5310 increases penalties for individuals who intentionally contact the 911 emergency number

for other than emergency purposes.

- Section 5311.15 requires multiline telephone systems to comply with federal law.

The addition of Section 5303 (B)(4)(XIX), which adds a representation of the Career Fire Chiefs Association to the 911 Advisory Board will take effect in 60 days. The addition of Section 5304.2, which stipulates the powers and duties of addressing authorities will take effect in 180 days. The remainder of the legislation would take effect immediately upon enactment.

**FISCAL IMPACT:**

Enactment of this legislation will have an indeterminate impact on commonwealth funds. According to the Pennsylvania Emergency Management Agency, the changes and additions to statute related to the Next Generation 911 system will have no additional cost to the Commonwealth.

It is possible that the amended penalties in Section 5310 may lead to increased costs, although the extent of this increase would depend on how many individuals are charged for violations of this section. The legislation increases penalties for violations Title 35 Section 5310. A first offense is increased from a third-degree, which is typically punishable by up to a year in prison, to a second-degree misdemeanor, which is punishable by up to two years in prison. A second offense is a first-degree misdemeanor, which is punishable by up to 5 years in prison. Third and subsequent offenses are third-degree felonies, punishable by up to 7 years in prison.

According to data from the Pennsylvania Commission on Sentencing, from 2018 to 2022, 5 individuals were sentenced to county jail for violations of this section. Based on this information, it is likely that any increase in costs to counties or to the Commonwealth would be minimal.

It should be noted that the marginal annual cost to incarcerate an additional inmate in a state correctional institution was \$16,104 in FY 2022/23. This cost assumes that fewer than 300 additional individuals were incarcerated. Offenders with a maximum sentence of less than two years are typically sent to a county jail. Marginal costs are not available for county facilities, but the average annual cost to incarcerate someone in a county jail in 2022 was \$43,701.

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**DATE:** November 13, 2024

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