

**SENATE APPROPRIATIONS COMMITTEE  
FISCAL NOTE**

**BILL NO.** Senate Bill 118

**PRINTER NO.** 89

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

January 26, 2021

**PRIME SPONSOR**

Senator K. Ward

**DESCRIPTION**

Senate Bill 118 amends § 9799.14 (relating to sexual offenses and tier system) of Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to include additional offenses as Tier I and Tier II sexual offenses.

This legislation adds various human trafficking offenses to the list of offenses that require registration as a sex offender under the federal Sex Offender Registration and Notification Act (SORNA). Specifically, trafficking in individuals, 18 Pa.C.S.A § 3011(a)(1), and patronizing a victim of sexual servitude, 18 Pa.C.S. § 3013, will be classified as Tier I offenses, and 18 Pa.C.S. § 3012 (relating to involuntary servitude) is added to the list of Tier II sexual offenses.

Under § 20915 (relating to duration of registration requirement) of SORNA, a sex offender shall maintain full registration for the following periods:

- 1) 15 years, if the offender is a Tier I sex offender; and
- 2) 25 years, if the offender is a Tier II sex offender.

Additionally, under § 20918 (relating to periodic in person verification) of SORNA, a sex offender shall appear in person, allow the jurisdiction to take a current photograph, and verify the information in each registry in which that offender is required to be registered not less frequently than the following:

- 1) Each year, if the offender is a Tier I sex offender; and
- 2) Every 6 months, if the offender is a Tier II sex offender.

Finally, a drafting error in § 9799.14 (c) is corrected.

This act shall take effect in 60 days.

**FISCAL IMPACT:**

According to the Pennsylvania Commission on Sentencing (commission), enactment of this legislation will not have a significant impact on the Commonwealth's correctional population because it relates primarily to registration and notification requirements. However, the added offenses will become subject to mandatory

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sentencing provisions under 42 Pa. C.S. § 9718.2 as second or subsequent sex offenses, and individuals convicted of those offenses would also be subject to penalties for violation of registration provisions.

Mandatory sentences for second and subsequent offenses under § 9718.2 (relating to sentences for sexual offenders) are as follows:

- 25 years of total confinement for a second offense; and
- A term of life imprisonment for a subsequent offense.

The commission stated although there are very few sentences reported annually under the mandatory sentencing provisions, there were four reported mandatory sentences of 25 years imposed in 2020. For each additional mandatory subsequent conviction, using the Department of Corrections' minimum marginal cost of \$29.44 per inmate/per day, the Commonwealth would incur additional annual costs of approximately \$10,750 for each defendant sentenced to a State Correctional Institution.