

### Fiscal Estimate - 2007 Session

Original       Updated       Corrected       Supplemental

LRB Number **07-3576/1**      Introduction Number **AB-0913**

**Description**  
Exposure and minors and providing a penalty

**Fiscal Effect**

**State:**

- No State Fiscal Effect
- Indeterminate
  - Increase Existing Appropriations
  - Decrease Existing Appropriations
  - Create New Appropriations
  - Increase Existing Revenues
  - Decrease Existing Revenues
  - Increase Costs - May be possible to absorb within agency's budget
    - Yes
    - No
  - Decrease Costs

**Local:**

- No Local Government Costs
- Indeterminate
  - 1.  Increase Costs       Permissive       Mandatory
  - 2.  Decrease Costs       Permissive       Mandatory
  - 3.  Increase Revenue       Permissive       Mandatory
  - 4.  Decrease Revenue       Permissive       Mandatory
  - 5. Types of Local Government Units Affected
    - Towns       Village       Cities
    - Counties       Others
    - School Districts       WTCS Districts

**Fund Sources Affected**

**Affected Ch. 20 Appropriations**

GPR     FED     PRO     PRS     SEG     SEGS

**Agency/Prepared By**

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3/5/2008

**Fiscal Estimate Narratives**  
**DOC 3/5/2008**

LRB Number <b>07-3576/1</b>	Introduction Number <b>AB-0913</b>	Estimate Type <b>Original</b>
<b>Description</b> Exposure and minors and providing a penalty		

**Assumptions Used in Arriving at Fiscal Estimate**

Under current law, a person who exposes, or causes a child to expose his or her genitals or pubic area for sexual arousal or gratification is guilty of a misdemeanor and is subject to a term of imprisonment in a county jail for not more than 9 months. This bill would change the classification of this crime from a misdemeanor to a Class I felony (maximum of 1.5 years of confinement and 2 years of extended supervision).

In CY07, 51 persons received a probation term for this offense. The Department does not know how many of these offenders were given jail terms as a condition of probation. Since this bill creates a new felony offense, the court would have the option to sentence the offender to a state prison. It is unknown how often a court will sentence a person convicted of this offense to prison. The fiscal impact will depend on the extent to which courts revise their sentencing practices based on the increased penalties under this bill.

The FY07 annual cost for an inmate in a DOC institution is approximately \$29,600. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$4,800, based on FY07 costs. When there is no excess capacity in DOC facilities, as is currently the case, the Department uses contract beds at a rate of \$18,800 annually per person. The annual cost for community supervision is \$2,200.

If some probationers who would have received a jail term under current law are now sentenced to a state prison, local costs would decrease and state costs will increase.

**Long-Range Fiscal Implications**