

Fiscal Estimate Narratives

DOC 10/15/2009

LRB Number	09-3061/1	Introduction Number	AB-0481	Estimate Type	Original
Description Making crimes based on gender of victim subject to a penalty enhancer and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Current law provides an enhanced penalty for crimes committed under chs. 939 to 948 of the Wisconsin Statutes, if the person committing the crime intentionally selects the victim based on his or her belief or perception of the victim's race, religion, color, disability, sexual orientation, national origin, or ancestry. This bill also provides these same penalties for crimes under chs. 939 to 948 of the Wisconsin Statutes if the person committing the crime intentionally selects the victim based on his or her belief of the victim's gender.

The Department of Corrections is unable to estimate the number of offenders who may be subject to the criminal penalty enhancement under this bill. The average FY09 annual cost for an inmate in a DOC institution is approximately \$31,800. 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 \$4,900, based on FY09 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.

Under these provisions, offenders may be sentenced to longer jail terms due to possible enhancement of certain Class B and C misdemeanors. However, it may also be possible that offenders typically sentenced to terms of imprisonment in county jails for certain Class A misdemeanors instead be sentenced to prison under the Department's custody. As a result, the Department is unable to estimate the impact of these provisions upon local jails as well.

Long-Range Fiscal Implications