

Fiscal Estimate Narratives

DOC 8/6/2009

LRB Number	09-3022/1	Introduction Number	SB-248	Estimate Type	Original
Description Penalty enhancers for committing domestic abuse in the presence of a child and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

Under current law when a person commits a crime under certain circumstances, the crime committed may be subject to a penalty enhancement. This bill creates a new penalty enhancement when a person commits a criminal act of domestic abuse in the presence of a child.

Our data indicates that from FY06 to FY08 three offenders were placed on probation for misdemeanor domestic abuse violations. No offenders were admitted to a state prison during the same time period. If this legislation had been in place at the time of these violations, the offenders may have been subject to the domestic abuse criminal penalty enhancements. However, the Department is unable to estimate the future number of offenders who may be subject to the enhanced criminal penalty provisions of this bill and therefore an accurate state fiscal impact cannot be estimated.

In FY08 the annual cost to house an inmate in a DOC institution was approximately \$30,300. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing an inmate was approximately \$4,600. 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 was \$2,400 in FY08.

A local impact would occur if an adult offender is sentenced to a jail term under the provisions of this bill. A local fiscal impact cannot be estimated.

Long-Range Fiscal Implications