

### Fiscal Estimate - 2011 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>11-2647/2</b>	<b>Introduction Number</b> <b>AB-0269</b>
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**Description**  
 prohibitions against contacting certain persons and providing penalties.

**Fiscal Effect**

**State:**

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input checked="" type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

**Local:**

<input type="checkbox"/> No Local Government Costs		
<input checked="" type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
		<input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities
		<input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others
		<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts

<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

<b>Agency/Prepared By</b> DOC/ Dawn Woeshnick (608) 240-5417	<b>Authorized Signature</b> Melissa Roberts (608) 240-5055	<b>Date</b> 9/28/2011
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## Fiscal Estimate Narratives

DOC 9/28/2011

LRB Number 11-2647/2	Introduction Number AB-0269	Estimate Type Original
<b>Description</b> prohibitions against contacting certain persons and providing penalties.		

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, an individual who has been arrested for a domestic abuse incident must, unless the victim of the alleged abuse signs a waiver, avoid the victim's residence and avoid contacting the victim for 72 hours following the arrest. If the individual intentionally violates this requirement, they are guilty of a civil violation punishable by a fine not to exceed \$1,000. This bill would make the individual guilty of a misdemeanor and subject to a fine up to \$10,000 or a jail sentence up to 9 months.

There would be a local fiscal impact if an individual is sentenced to a jail term as a result of violating a domestic abuse no-contact order. It is not possible to determine how many individuals will violate this order, or what type of jail term they would be sentenced to, therefore a local fiscal impact cannot be estimated.

Under current law, when a court imposes a sentence on an individual or places an individual on probation for a conviction for a crime, the court may prohibit the individual, during his/her sentence or probation period, from contacting victims of, or co-actors in a crime considered at sentencing if the court determines that such a prohibition would be in the interest of public protection. An individual who violates this prohibition is guilty of a Class A misdemeanor. This bill adds that a court may also prohibit the individual from contacting witnesses to the crime. If an individual who has been arrested is found to be violating these prohibitions, they could be convicted of a Class H felony.

Current penalty structures allow a maximum of 9 months in jail for Class A misdemeanor convictions and 3 years confinement in prison and 3 years extended supervision for Class H felony convictions. The Department is unable to determine how many individuals would be convicted of contacting victims, witnesses, or co-actors while they were under no-contact restrictions or what type of sentencing they would be given for violating the court's order.

The average FY10 annual cost for an inmate in a DOC institution is approximately \$32,100. 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 \$5,100, based on FY10 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person. The average FY10 annual cost for an offender on extended supervision was \$2,800. The annual cost for an inmate in a county jail is approximately \$18,300.

### Long-Range Fiscal Implications

The precise cost impact of this legislation will ultimately depend on the sentencing practices of judges under the new penalty structures and the number of individuals who violate these specific offenses.