

Fiscal Estimate - 2013 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 13-0744/1	Introduction Number AB-0357
Description Penalty enhancer for certain crimes committed on the premises of a gas station if actor is armed and providing a penalty	
Fiscal Effect	
State:	
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate	
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local:	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
Affected Ch. 20 Appropriations	
Agency/Prepared By	Authorized Signature
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Date	
9/19/2013	

Fiscal Estimate Narratives

DOC 9/19/2013

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Description Penalty enhancer for certain crimes committed on the premises of a gas station if actor is armed and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, if a person commits a crime while possessing, using, or threatening to use a dangerous weapon, the maximum term of imprisonment prescribed by law for that crime is increased by up to six months if the crime is a misdemeanor. If a person commits a felony with a maximum term of imprisonment between two and five years, up to four years can be added to the term of imprisonment. If a person commits a felony with a maximum term of imprisonment of more than five years or a life term, up to five years can be added to the term of imprisonment. Finally, if the felony is not specified above, up to three years can be added to the term of imprisonment.

Under this bill, a person is subject to a penalty enhancer if the person, while armed with a handgun and on the premises of a gas station, commits intentional homicide, first-degree reckless homicide, felony murder, certain batteries, taking hostages, kidnapping, certain crimes of damage to property, burglary, carjacking, or robbery if the property taken is at least \$100. If the person commits one of those crimes and the crime is a felony, the maximum term of imprisonment is increased by five years, however, if the crime is a misdemeanor, the maximum term of imprisonment is increased by three months.

While it is not possible to estimate the number of individuals that would be convicted of these crimes, any increase in prison population either through new admissions or longer sentences, will have a financial impact on the Department of Corrections.

The average FY12 annual cost for an inmate in a DOC institution is approximately \$33,200. 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 \$5,000 based on FY12 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

Local county jails could see an increase in costs if offenders are sentenced to a county jail or if the number of days the offender would be placed in the jail is increased as a condition of probation for these offenses.

Long-Range Fiscal Implications