

Fiscal Estimate - 2013 Session

Original Updated Corrected Supplemental

LRB Number 13-0730/1	Introduction Number AB-0070	
Description Mandatory period of confinement for homicide by intoxicated use of a vehicle and providing a penalty		
Fiscal Effect		
State:		
<input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
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 <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input checked="" type="checkbox"/> Counties <input checked="" type="checkbox"/> Others <u>Jails</u> <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected		
Affected Ch. 20 Appropriations		
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS s.20.410 (1)(a); (1)(b)		
Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

DOC 5/14/2013

LRB Number	13-0730/1	Introduction Number	AB-0070	Estimate Type	Original
Description Mandatory period of confinement for homicide by intoxicated use of a vehicle and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who causes the death of another by operating or handling a vehicle while under the influence of an intoxicant, with a detectable amount of a restricted controlled substance in his or her blood, or with a prohibited alcohol concentration, is guilty of a felony. Current law does not generally require a minimum period of confinement for a person who is sentenced to imprisonment for a felony. Under this bill, these persons must be sentenced to imprisonment and his or her period of confinement must be at least ten years, except in certain circumstances found by the court.

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.

In FY12, five offenders were placed on probation related to a conviction for this offense while twenty-two offenders were admitted to prison. For illustrative purposes, if one were to assume five offenders would annually be admitted to prison for ten year durations as opposed to placement on probation, DOC costs could increase by \$250,000 if housed within DOC prisons and \$940,000 if the Department were to use contract jail beds.

These amounts do not account for cost reductions which may be experienced from less offenders being placed on probation. The average FY12 annual cost to supervise one offender was approximately \$2,900.

County jails could experience increased or decreased costs, as offenders may be ordered to have jail time as a condition of probation. The average FY12 annual cost to jail inmates is \$18,800.

Long-Range Fiscal Implications

It is indicated these costs may be absorbed within Agency's budget over time, as future biennial budget requests are developed and approved. It is anticipated these offenders would fully phase into the prison system over a ten year period.