

Fiscal Estimate - 2013 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 13-4160/1	Introduction Number AB-0776
Description Child abuse investigations when a court suspects a person of permitting, allowing, or encouraging a child to engage in prostitution and consent decrees or deferred prosecution agreements for such a child	
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
DOC/ Robin Walrath (608) 240-5422	Melissa Roberts (608) 240-5055
Date	
3/6/2014	

Fiscal Estimate Narratives

DOC 3/6/2014

LRB Number	13-4160/1	Introduction Number	AB-0776	Estimate Type	Original
Description Child abuse investigations when a court suspects a person of permitting, allowing, or encouraging a child to engage in prostitution and consent decrees or deferred prosecution agreements for such a child					

Assumptions Used in Arriving at Fiscal Estimate

Under current legislation, any person convicted of prostitution is guilty of a Class A misdemeanor, which is punishable by up to a \$10,000 fine, or imprisonment of up to 9 months, or both. Current legislation defines "abuse" for purposes of the child abuse reporting law to include permitting, allowing, or encouraging a child to engage in prostitution. Under proposed legislation, a court, in lieu of convicting a child for prostitution, is permitted to enter into a consent decree or a deferred prosecution agreement placing the child under supervision and requiring the child to comply with the conditions of the decree or agreement.

Under proposed legislation, a case in which the court enters into a consent decree or a deferred prosecution agreement in lieu of convicting a child for prostitution, if the court has reason to suspect that any person has permitted, allowed, or encouraged the child to engage in prostitution, the court must report that suspicion under child abuse and the report must immediately be evaluated. If the court determines there is reason to suspect such, the court must initiate an investigation to determine if the child is in need of protection or services.

The proposed legislation provides the potential of a consent decree or deferred prosecution agreement as an alternative to a prostitution conviction, which will not warrant additional juvenile commitments. There are currently no juveniles within the Department with a prostitution commitment, and so it is unlikely that there would be any cost savings which may have occurred due to the potential increased utilization of prostitution conviction alternatives.

The referral for suspected child abuse under the proposed legislation shall treat the juvenile as a child in need of protection and services, and so will also not require placement of the abused child into juvenile court. Whether, or to what extent, convictions for child abuse may increase due to additional reporting requirements for child abuse is not known.

If the provisions of this bill increase or decrease felony convictions, the DOC and local government costs will similarly increase or decrease. The average FY13 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 \$5,400 based on FY13 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

State costs could change if an increased or decreased number of offenders are convicted of these crimes and placed on probation. The average FY13 annual cost to supervise one offender is approximately \$2,700. County jails could also experience increased or decreased costs, as offenders may be sentenced to jail as a condition of probation.

Due to the additional court processes provided within this bill, local governments may experience an increase in costs associated with these additional court procedures.

Long-Range Fiscal Implications