



## Fiscal Estimate Narratives

DOC 1/23/2014

LRB Number	<b>13-3904/1</b>	Introduction Number	<b>SB-492</b>	Estimate Type	<b>Original</b>
<b>Description</b> Human trafficking, human trafficking victims, property forfeitures, rights of victims, admitting evidence of past actions, definitions of certain offenses, and providing penalties					

### Assumptions Used in Arriving at Fiscal Estimate

#### Human Trafficking

Current law defines trafficking as, recruiting, enticing, harboring, transporting, providing, or obtaining an individual without their consent. This bill eliminates the element of the individual not consenting. This bill adds to the list of trafficking-related felonies: threatening to control access to an addictive controlled substance; using means to coerce, threaten, or intimidate; using or threatening to use force or violence; and causing or threatening to cause any act against the individual's will.

This bill creates a process under which an individual convicted, adjudicated delinquent, or found not guilty by reason of mental disease or defect for prostitution may request a court order to vacate the conviction or expunge the record. An individual may follow this process if they were a victim of trafficking or committed the violation as a trafficking victim and submits reasoning for not previously alleging to be a trafficking victim.

Under current law, a person who receives compensation from the earnings of a prostitute is guilty of a Class F felony. This bill adds that a person is guilty of a Class F felony if the person also knowingly receives compensation from the earnings of debt bondage or from the earnings of sexual contact or intercourse for which anything of value is given to, promised, or received.

#### Sex Offenses, Victims of Crimes, and Domestic Abuse

Under current law, a person who, for purposes of sexual arousal or gratification, causes a child to expose genitals or pubic area or exposes genitals or pubic area to a child is guilty of a felony. This bill adds the exposure of "intimate parts," which is defined as a breast, buttock, anus, or groin of a human being.

Under current law, if a judge receives a presentence investigation report, it is also provided to the district attorney who must keep the report confidential. This bill provides the victim the right to view the sentence recommendation on the presentence report. Under current law, evidence of other crimes may not be admitted in a criminal proceeding to prove the person acted in character. This bill states that, in a prosecution alleging human trafficking, an offense against a child, a serious sex offense, or a crime of domestic abuse, evidence of similar acts is admissible.

Under current law, a court may place a person who has committed a serious sex offense on lifetime supervision if the court deems it necessary. This bill adds to the list of serious sex offenses the violation of a crime against reputation, privacy, and civil liberties, if it was committed for sexual arousal or gratification. This bill adds the offense of strangulation to several statutes, including to the list of offenses ineligible for the intensive sanctions program, as a crime a victim may be compensated for by Department of Justice, and for keeping confidential the victim's personal information on certain voting documents.

The Department is unable to estimate the number of offenders who will be subject to the new criminal penalty provisions of this bill and therefore is unable to estimate the state fiscal impact. However, if additional offenders are convicted, the Department will experience increased costs. In FY13, 158 offenders were sentenced to probation and 91 were sentenced to prison for strangulation and suffocation.

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 one of these crimes and placed on

probation. The average FY13 annual cost to supervise one offender is approximately \$2,700. In FY13, 158 offenders were sentenced to probation and 91 were sentenced to prison for strangulation and suffocation.

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**