



## Fiscal Estimate Narratives

DOC 1/12/2016

LRB Number	15-3238/1	Introduction Number	SB-499	Estimate Type	Original
<b>Description</b> Use, possession, manufacture, distribution, and advertisement of a masking agent and providing a criminal penalty					

### Assumptions Used in Arriving at Fiscal Estimate

This bill proposes creating criminal penalty provisions related to the possession, use, manufacture, distribution, and advertisement of a masking agent, which is defined as any substance or device that is intended for use to defraud, circumvent, interfere with, or provide a substitute for a bodily fluid in conjunction with a lawfully administered drug test.

The Department of Corrections (DOC) is unable to estimate the state fiscal effect of this bill, as it is unable to estimate how many individuals will be subject to the bill's new criminal penalty provisions. The precise cost of this legislation will ultimately depend on the number of offenders and the sentencing practices of judges.

While it is not possible to estimate the number of individuals that will be convicted of this crime, any increase in the prison population, either through new admissions or longer sentences, would have a financial impact on the DOC. The average FY15 monthly cost for an inmate in a DOC institution is approximately \$2,733. However, when there is excess capacity in DOC facilities, the monthly incremental costs (i.e. food, health care, and clothing) of housing a small number of inmates is approximately \$467 based on FY15 costs. Should the Department use contract beds, the rate would be approximately \$1,567 monthly per person.

State costs could change if an increased or decreased number of offenders are convicted of this crime and placed on probation. The average FY15 monthly cost to supervise one offender is approximately \$233.

The local fiscal impact of the bill cannot be estimated because the DOC is unable to predict the number of people that will be convicted of these crimes and the sentencing practices of judges. Costs at the local level may increase if offenders are placed in jail rather than prison.

### Long-Range Fiscal Implications