

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-0145/1	Introduction Number SB-745
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Description
 Uniform Act on Prevention of and Remedies for Human Trafficking and providing a penalty

Fiscal Effect

State:

No State Fiscal Effect
 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
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Local:

No Local Government Costs
 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
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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 410	

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

DOC 2/22/2016

LRB Number	15-0145/1	Introduction Number	SB-745	Estimate Type	Original
Description Uniform Act on Prevention of and Remedies for Human Trafficking and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Current law prohibits human trafficking and trafficking of a child (trafficking offense). In general, human trafficking is a Class D felony and trafficking of a child is a Class C felony. In June 2013, the National Conference of Commissioners on Uniform State Laws approved and recommended a Uniform Act on Prevention of and Remedies for Human Trafficking. This bill incorporates the parts of that uniform act that are not in current law, including the following:

1. A provision that makes ineligible for state contracts an entity that commits a trafficking offense.
2. A provision that requires law enforcement training programs to provide training on identifying and providing forms to an individual who may qualify under federal law for a nonimmigrant visa or continued presence due to being a victim of a trafficking offense.
3. A provision that allows the maximum term of imprisonment for a trafficking offense to be increased by up to five years if the person obtained the victim from a shelter that serves victims of human trafficking, domestic violence, or sexual assault; runaway youth; or the homeless.
4. A provision that allows a victim of a trafficking offense to apply for crime victim compensation from the Department of Justice regardless of immigration status.

Analysis

The Department of Corrections is unable to determine the fiscal impact of the bill as it cannot predict the number of people that will be sentenced and the sentencing practices of judges under the new law.

The bill allows human trafficking and child trafficking offenders under Wis. Stat. 940.302(2) or 948.051 to have their sentence increased by not more than five years if the offender recruited, enticed, or obtained the victim from a shelter, the victim was a runaway youth, or the victim was homeless. As of 12/31/15, there were eleven inmates in prison under 940.302(2), eight inmates under 948.051, and one inmate under both. As of 12/31/15, there was also one offender on community supervision under 940.302(2) and one under 948.051. At this time, it is impossible to know how many offenders will be affected by the new law as the DOC does not track if current victims of these crimes were victims from a shelter, if victims were a runaway youth, or if the victims were homeless.

The bill also amends the definition for "debt bondage" under Wis. Stat. 940.302(1)(b), amends "trafficking" under Wis. Stat. 940.302(1)(d), and amends "trafficking a child" under Wis. Stat. 948.051(1). It is unknown how these changes will affect the number of people convicted of trafficking offenses and the sentencing practices of judges.

The bill creates new subsections for how trafficking can be done under Wis. Stat. 940.302(2)(a). The following would all be considered a means of trafficking: causing or threatening to cause mental or emotional harm, causing or threatening to cause harm to any individual's reputation, abducting or threatening to abduct any individual, or using an individual's physical or mental impairment. It is unknown how these changes will affect the number of people convicted of human trafficking and the sentencing practices of judges.

The average FY15 annual cost for an inmate in a DOC institution is approximately \$32,800. 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 \$5,600 based on FY15 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

If there is a large increase in the number of offenders convicted of this crime and placed on probation or extended supervision, additional community corrections funding and/or positions may be necessary to handle the population. The average FY15 annual cost to supervise one offender is approximately \$2,800.

The local fiscal impact of the bill cannot be predicted because the Department of Corrections cannot predict the number of people that will be sentenced and the sentencing practices of judges under the new law. Costs at the local level may increase if offenders are placed in jail rather than prison. Costs may decrease if offenders receive harsher sentences and are placed in prison instead of jail. The average FY15 annual cost to jail an adult inmate was \$18,800.

Long-Range Fiscal Implications