

Fiscal Estimate Narratives

DOC 12/19/2017

LRB Number 17-0338/1	Introduction Number AB-0741	Estimate Type	Original
Description considering post-traumatic stress disorder as a mitigating factor in sentencing certain criminal offenders			

Assumptions Used in Arriving at Fiscal Estimate

Under current law, when a court makes a sentencing decision concerning a person convicted of a criminal offense, the court must consider the protection of the public, the gravity of the offense, the rehabilitative needs of the defendant, and any applicable mitigating factors or aggravating factors to the crime.

This bill creates a new mitigating factor. Under this bill, when a court makes a sentencing decision concerning a person who is a military veteran and has been diagnosed as suffering from post-traumatic stress disorder resulting from the person's military service, the court may consider that diagnosis as a mitigating factor.

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 affected by the bill, the current sentencing practices of judges for veterans with PTSD, and the possible sentencing practices of judges under the new law.

The average FY16 annual cost for an inmate in a DOC institution is approximately \$32,300. 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 \$5,700 based on FY16 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person. If there are additional offenders on community supervision, the average FY16 annual cost to supervise one offender is approximately \$3,000.

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 how the sentencing practices of judges will change under the new law. Costs at the local level may increase if offenders are placed in jail rather than prison. Costs may decrease if the average sentence is reduced and there is the same number of offenders. The average FY16 annual cost to jail an adult inmate was \$18,800.

Long-Range Fiscal Implications