

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 19-5131/1	Introduction Number AB-0775
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Description
 sentencing for crimes committed by a person who is under the age of 18

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	

Agency/Prepared By DOC/ Peter James (608) 240-5422	Authorized Signature Paulina De Haan (608) 240-5056	Date 2/17/2020
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Fiscal Estimate Narratives

DOC 2/17/2020

LRB Number	19-5131/1	Introduction Number	AB-0775	Estimate Type	Original
Description sentencing for crimes committed by a person who is under the age of 18					

Assumptions Used in Arriving at Fiscal Estimate

This bill creates a sentence adjustment process for individuals that committed a crime before they turned 18 years old (youthful offender) and were sentenced to a term of confinement longer than 15 years. The sentence adjustment process created in this bill enables a youthful offender to petition the court after serving 15 years of their sentence for a sentence adjustment. Under the provisions in this bill, the court can modify the sentence to reduce the term of imprisonment or modify conditions of parole or extended supervision. If the court denies the petition, the youthful offender can try again after five years, up to five times. This bill requires that the Department of Corrections (DOC) notify youthful offenders when they have served 14 years in confinement that they are eligible to petition the court after 15 years.

Additionally, this bill prohibits a court from imposing a sentence of life without the possibility of parole or extended supervision; creates new mitigating factors in sentencing criteria for youthful offenders; and eliminates statutory mandatory life sentences without parole or extended supervision, for youthful offenders, in accordance with federal law.

DOC estimates that, as of 12/31/2019, 410 youthful offenders are eligible to petition the court under the provisions of this bill. In particular, 230 youthful offenders have served 14 or more years of confinement and would receive a notification within six months after this bill would take effect. 180 youthful offenders have served less than 14 years and an average of 13 of these youthful offenders would receive a notification each year. 206 youthful offenders would be eligible for parole, 201 for extended supervision, and 3 have sentences under both systems. Additionally, any youthful offender that unsuccessfully petitions the court for a sentence adjustment would be notified of their eligibility after five years, however this number of individuals is unknown.

The DOC cannot predict the number of successful petitions due to the individual nature of each case. Additionally, the DOC cannot anticipate the number of youthful offenders released from prison if they successfully petition the court, since some individuals may be serving multiple sentences. The average FY19 annual cost for an inmate in a DOC institution is approximately \$33,100. If DOC uses contracted beds, the annual cost to house one inmate is approximately \$18,800. When there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care, and clothing) is approximately \$6,300 based on FY19 costs. If a youthful offender successfully petitions for a modified sentence, there may be a reduction in incremental or contract bed costs. However, if a youthful offender successfully petitions for a release to parole or extended supervision, DOC anticipates spending \$3,200 per offender per year, based on FY19 community supervision costs. Ultimately, the fiscal impact of this bill is unknown due to the individualized nature of each youthful offender's petition.

Since this bill applies to individuals with prison sentences, DOC does not anticipate a significant local fiscal impact to local governments.

Long-Range Fiscal Implications