



**Fiscal Estimate Narratives**  
**DOC 2/17/2020**

LRB Number	<b>19-5506/1</b>	Introduction Number	<b>SB-769</b>	Estimate Type	<b>Original</b>
<b>Description</b>					
theft of a vehicle; victim impact panels; increased penalties for reckless driving; increased penalties for fleeing an officer; and providing a penalty					

**Assumptions Used in Arriving at Fiscal Estimate**

This bill increases the felony level and corresponding penalties available at sentencing for a variety of offenses related to vehicle theft, reckless driving, and fleeing an officer. Additionally, this bill imposes a mandatory 30-day minimum term of confinement for adults and juveniles who receive a penalty under the provisions of this bill. Finally, this bill allows a court to order a person who is found guilty or adjudicated delinquent to attend victim impact panels as part of their sentence or adjudication.

In FY19, there were 83 admissions to prison on a bifurcated sentence and 432 admissions to probation under the crimes altered by this bill. Generally speaking, it is difficult to anticipate the impact of this many changes, given the unique circumstances of each case and the sentencing practices of individual judges; however, average sentence lengths may increase if felony levels increase.

The following example may be illustrative: there were 42 admissions to prison in FY19 under 943.23(3)(A), currently a class I felony, related to operating a vehicle without the owner's consent. The average confinement portion of these sentences is 1.4 years. If the felony level for this offense is increased to class H – which this bill would do – average confinement time for this offense could be similar to a related class H vehicle-related felony, 943.23(2)(A), where there were 35 admissions in FY19 averaging 1.8 years in confinement. In this example, the fully annualized average daily population (ADP) sentenced under 943.23(3)(A) would be 77 in prison and 84 on extended supervision, rather than an ADP of 42 and 77 under current law, assuming similar sentencing provisions to 943.23(2)(A).

There would be additional costs associated with increasing the average confinement time. 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. Additionally, costs may increase if there is additional time under extended supervision or probation. DOC anticipates spending \$3,200 per offender per year, based on FY19 community supervision costs.

This bill imposes a mandatory 30-day minimum term of imprisonment for adults sentenced, or placement in secured custody for juveniles adjudicated delinquent, under the provisions in this bill. The DOC is unable to estimate the fiscal impact of this provision, as it relates to adults, because DOC does not believe that this provision is actionable under bifurcated sentencing requirements. This bill imposes a bifurcated sentence with a mandatory 30-day minimum term of imprisonment and, as written, does not align with statutory guidelines for bifurcated sentencing. Wis. Stat. s. 973.01(2)(b) states that the portion of the bifurcated sentence that imposes a term of confinement may not be less than one year.

Juveniles could receive mandatory 30-day minimum periods of confinement in secure custody if they are adjudicated delinquent under the provisions in this bill. DOC does not anticipate a state fiscal impact of this provision since juveniles that are adjudicated delinquent and placed in DOC juvenile correctional facilities typically spend more than 30 days in confinement. Local governments, however, may see an increase in costs related to this provision. Since the 30-day confinement provision is imposed in addition to any other juvenile disposition, youth that receive non-confinement dispositions related to the crimes altered by this bill would be required to be placed in local secure juvenile detention in addition to their primary disposition. This may result in an overall increase in the number of youth in detention. The DOC does not collect data related to juveniles adjudicated delinquent and not placed in DOC juvenile correctional institutions and is thus not able to determine the additional cost to local governments.

**Long-Range Fiscal Implications**