



## Fiscal Estimate Narratives

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LRB Number <b>03-4051/1</b>	Introduction Number <b>SB-490</b>	Estimate Type <b>Original</b>
<b>Subject</b>		
Penalty for first degree sexual assault of a child		

### Assumptions Used in Arriving at Fiscal Estimate

Under current law a person is guilty of a Class B Felony if he or she has sexual contact or sexual intercourse with a person who is under the age of 13 or engages in three or more sexual acts with the same child. If a person is convicted of a Class B Felony he or she can be placed on probation or sentenced to a term of imprisonment (consisting of a term of confinement in prison up to 40 years followed by a term of extended supervision up to 20 years).

This bill would change the current penalty from a Class B Felony to a Class A Felony which is punishable by a term of life imprisonment. As with other Class A felonies, when a person is sentenced for one of these offenses, the court must specify; 1) that the person is eligible to petition the court for release to extended supervision on a specified date, which must be at least 20 years after the start of the sentence, or 2) that the person may not be released to extended supervision.

In CY2002, 90 offenders were placed on probation and another 206 offenders were admitted with prison sentences for one of the crimes in this bill. Of the 206 offenders admitted with prison sentences, 156 offenders had sentences of less than 20 years. These offenders' sentences had an average confinement time of 8.3 years.

Assuming the data is representative of future statistics, an additional 90 offenders per year will no longer be placed on probation but instead would be sentenced to at least a minimum 20 year confinement term in prison. This would result in an additional 1,800 inmates added to the department's prison population over a 20-year period. This would result in additional first year contract bed costs of approximately \$833,400, second year costs of approximately \$2.5 million, and third year costs of approximately \$4.2 million, until the population increase is annualized at 20 years with an additional contract bed cost of \$33.8 million.

If the assumption was also made that annually 156 offenders that were previously admitted with confinement terms of less than 20 years were now admitted with confinement terms to the minimum 20 years, an additional 1,758 inmates would be added to the department's prison populations. The impact of these increased populations would not be felt until an average of 9 years after the enactment of this legislation. When the original 156 offenders would have previously been reaching their extended supervision releases, they would instead now be staying an average of 11.7 additional years. The increase to the department's institution populations due to longer sentences would also be felt incrementally with an annualized additional contract bed cost of approximately \$33 million.

The enactment of this legislation could result in an annualized increase in contract prison costs of over \$66 million when former probationers are now sentenced under Class A felonies and former prison admissions stay an additional average of 11.7 years. The state could instead, choose to build prison beds to accommodate the total increased population of over 3,500 offenders. The New Lisbon Correctional Institution, with a capacity of 950 beds, was built with a construction cost of approximately \$51 million. The Department would need to construct four of these institutions to accommodate this increased population.

### Long-Range Fiscal Implications