

Fiscal Estimate - 2003 Session

Original Updated Corrected Supplemental

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| LRB Number 03-0246/3 | | Introduction Number AB-51 |
| Subject Sexual activity involving jail, prison, or community corrections staff or contractors and jail inmates or persons in the custody or under the supervision of DOC | | |
| Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs Local: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts | | |
| Fund Sources Affected <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 | | Affected Ch. 20 Appropriations |
| Agency/Prepared By DOC/ Dawn Woeshnick (608) 240-5417 | Authorized Signature Robert Margolies (608) 240-5056 | Date 2/25/2003 |

Fiscal Estimate Narratives

DOC 2/25/2003

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| LRB Number | 03-0246/3 | Introduction Number | AB-51 | Estimate Type | Original |
| Subject | | | | | |
| Sexual activity involving jail, prison, or community corrections staff or contractors and jail inmates or persons in the custody or under the supervision of DOC | | | | | |

Assumptions Used in Arriving at Fiscal Estimate

This bill prohibits correctional officers, individuals providing services to persons confined in correctional institutions, boot camp supervisors, and probation, parole, and extended supervision agents from having sexual contact or sexual intercourse with a person who is serving a sentence or is placed in a correctional institution, is participating in a boot camp program, or is on probation, parole, or extended supervision. A person who violates this prohibition may be fined not more than \$100,000 or sentenced for not more than 40 years or both.

Currently the Department of Corrections(DOC) does an internal investigation of all inmate/probationer/parolee allegations of sexual contact. The accused is typically placed on administrative leave while an investigation is conducted. An employee can be terminated if the allegation is proven. Passage of this bill makes sexual misconduct a felony offense and would lead to involvement by local law enforcement when inmates, probationers, parolees or extended supervision offenders make an allegation of sexual contact or sexual intercourse against a correctional officer, an individual providing services to an inmate, a boot camp supervisor, and/or an agent.

Our past experience indicates approximately 5-10 cases/year of sexual misconduct between staff and offenders (in prison and probation/parole). If this conduct becomes a criminal offense, there may be increased costs for DOC to transport inmates to court proceedings. Prison, probation and/or parole populations will also increase if employees are found guilty of sexual contact/intercourse.

Should an employee be found guilty and placed on probation or sentenced to prison there will be increased costs to the state. The average FY02 cost to supervise an offender on probation/parole is approximately \$1900/year and the cost to incarcerate in a state prison is \$26,000/yr. If jail terms are imposed there would be increased costs to the counties. The actual cost to house additional state prison inmates is dependent on the size of the population increase. More inmates may have to be housed out-of-state or additional beds and staff may be necessary to house in-state. Because it is not possible to determine how many persons would be convicted or what type of sentence would be imposed, it is not possible to project the bill's precise fiscal impact on DOC or local government.

Long-Range Fiscal Implications