

Fiscal Estimate Narratives

CTS 11/8/2005

LRB Number	05-3859/1	Introduction Number	AB-784	Estimate Type	Original
Description A mandatory term of confinement and the maximum term of imprisonment for certain child sex offenses and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

This bill increases the penalty for sexual contact or intercourse with a child under age 16 by use or threat of force or violence. In addition it significantly increases the minimum and maximum penalties for certain specified sexual assault offenses. The bill also removes the court's discretion in sentencing a person who is convicted of violating s. 948.02(1) or 948.025(1)(a), Stats. by requiring the court to impose a term of confinement of at least 25 years.

Felony proceedings generally require additional court appearances and more court hearings than misdemeanors. This bill may lead to increased numbers of court proceedings because the increased penalties and mandatory minimum prison sentences may lead more persons to challenge the charges. If additional hearings and trials are held, the testimony of child victims and expert witnesses may be required at various points in the proceedings.

Additional court proceedings require additional judge, court reporter, court staff and juror time. These costs are borne by the state and the county.

In addition, the bill creates certain exceptions to the mandatory minimum sentences and establishes a process for determining whether a defendant meets the criteria established for the exceptions. As part of that process, the court may request an examination by a physician, psychologist or other expert. If the defendant is unable to pay, the cost of this expert examination shall be borne by the county.

An accurate estimate of the increased costs is impossible with existing data.

Long-Range Fiscal Implications