

Fiscal Estimate Narratives

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LRB Number	05-4801/1	Introduction Number	AB-1095	Estimate Type	Original
Description Sexual assault of a child and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law a person who is convicted of first degree sexual assault of a child is guilty of a Class B felony, with a sentence of up to 60 years (40 years confinement time and 20 years extended supervision). This bill changes the penalty to a Class A felony, with a maximum penalty of lifetime imprisonment for conviction of first degree sexual assault of a child if the sexual assault results in great bodily harm to the victim.

Wis. Stat. 939.22(14) defines "Great bodily harm" as bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

In CY04, 160 offenders were convicted of first-degree sexual assault of a child [s.948.02(1)] or repeated acts of first-degree sexual assault of the same child [s.98.025(1)(a)] and admitted to prison. The Department reviewed records on its Sex Offender Registry of offenders who have been convicted for first degree sexual assault of a child and found to have an offense pattern indicator that included the method of force as mutilation or death. The Department was unable to find any offender convicted of first degree sexual assault of a child who has been placed in the Registry since January 1, 1996 whose offense pattern indicator included mutilation/death. The Department does not maintain data that would indicate if offenders had caused great bodily harm in any of the other ways defined in s.939.22(14).

The Department is unable to determine how many offenders would be subject to life imprisonment under this bill, nor the frequency with which courts will impose the maximum lifetime confinement sentence; therefore the Department is unable to determine the fiscal impact this bill would have to the State. The FY05 annual cost to house an inmate in a Department of Corrections prison was \$26,200.

Long-Range Fiscal Implications