

Fiscal Estimate Narratives

DOC 11/8/2007

LRB Number 07-2066/1	Introduction Number SB-292	Estimate Type Original
Description Human trafficking and providing a penalty		

Assumptions Used in Arriving at Fiscal Estimate

This bill creates a new statutory prohibition on human trafficking. Trafficking is defined as recruiting, enticing, harboring, transporting, providing, or obtaining an individual without the consent of the individual. A conviction for trafficking, or knowingly benefitting from trafficking, is a Class D felony (maximum of 15 years of confinement and 10 years of extended supervision) if the trafficking is for labor, services, or a commercial sex act and done by specified actions, including threats of harm or harm to the victim, removing or withholding any victim documents [such as a passport], extortion, and debt bondage.

This bill also creates a statutory prohibition on trafficking of a child. Any person who knowingly recruits, entices, provides, obtains or harbors a child for commercial sex acts or sexually explicit performance, or who knowingly benefits from such activity, is guilty of a Class C felony (maximum of 25 years of confinement and 15 years of extended supervision).

Businesses may also be convicted of either of these crimes. This bill allows the attorney general or district attorney to request that a court order the dissolution of the business entity or the revocation of the business entity's authority to conduct business in the state in those circumstances.

It is unknown how many individuals who may be convicted under these new statutes could have been convicted for a crime under existing statutes, nor the sentences that would have been received under current statutes. Therefore, it is not possible to estimate the impact of these new crimes. If sentences are longer, whether the result is imprisonment or additional community supervision, the Department's costs will increase.

This bill will require offenders to register with the Department's Sex Offender Registry if a judge determines that the human trafficking offense was sexually motivated. Again, if the crime was prosecuted under an alternative statute, and found to be sexually motivated, the Department's workload will not increase.

While it is not possible to determine an actual cost impact from this legislation, the FY07 annual cost for an inmate in a DOC institution is approximately \$29,600. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$4,800, based on FY07 costs. When there is no excess capacity in DOC facilities, as is currently the case, the Department uses contract beds at a rate of \$18,800 annually, per person.

It is assumed this bill will have no impact on local jails if the crimes are already being prosecuted under alternative statutes.

Long-Range Fiscal Implications