

Fiscal Estimate Narratives
DOC 4/17/2007

LRB Number 07-1555/1	Introduction Number AB-0241	Estimate Type Original
Description Graffiti and providing a penalty		

Assumptions Used in Arriving at Fiscal Estimate

Current law provides that a person who intentionally marks, draws, or writes on or etches onto another person's property without their permission is guilty of a misdemeanor, punishable by up to 9 months in the county jail. If the property affected is reduced in value by more than \$2,500, the person is guilty of a Class I felony (maximum of 3.5 years in confinement and 2 years of extended supervision).

Under this bill, the damage threshold for the felony is reduced from \$2,500 to \$1,000. Damage is defined as, the cost to repair, replace or remove the marking, drawing, writing or etching, whichever is less.

The Department of Corrections is unable to estimate the number of offenders who may be subject to the felony penalty provisions of this bill. In FY06, no offenders were admitted to prison for Graffiti. Thirty offenders were placed on community supervision in FY06 for misdemeanor Graffiti. It is unknown what the damage threshold was for these offenses. The FY06 annual cost for an inmate in a DOC institution is approximately \$27,600. 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 \$4,500, based on FY06 costs. When there is no excess capacity in DOC facilities, as is currently the case, the Department uses contract beds at rate of \$18,800 annually per person. The annual cost for community supervision is \$2,000.

A local impact will also occur if an adult offender is sentenced to a jail term under the provisions of this bill. The local fiscal impact cannot be estimated.

Long-Range Fiscal Implications