

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-2190/3	Introduction Number AB-0590
Description Elimination of an exception for spiritual treatment of a child in the law criminalizing physical abuse of a child and in the laws governing the practice of medicine or surgery, the investigation of child abuse or neglect, the administration of psychotropic medication to juveniles in correctional custody, the election of Christian Science treatment in lieu of medical or surgical treatment, and providing a penalty	
Fiscal Effect	
State:	
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate	
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local:	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected	
<input 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	Authorized Signature
DOC/ Dustin Trickle (608) 240-5413	Robert Margolies (608) 240-5056
Date	
12/21/2009	

Fiscal Estimate Narratives
DOC 12/21/2009

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Assumptions Used in Arriving at Fiscal Estimate

Under current law, physical abuse of a child is a felony. However, a person is not guilty of physical abuse of a child solely because he or she provides certain forms of spiritual treatment versus medical or surgical treatment. This bill eliminates that exception.

The Department does not have statistics available summarizing the extent to which spiritual treatment is provided to children in lieu of medical or surgical treatment, and as a result, is unable to determine the fiscal impact which may occur resulting from this legislation.

The average FY09 annual cost for an inmate in a DOC institution is approximately \$31,800. 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 \$4,900, based on FY09 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.

State costs could also change if an increased or decreased number of offenders are convicted of this crime and placed on probation. The annual cost of community supervision of one offender is approximately \$2,600.

Also under current law, the court assigned to exercise jurisdiction under the Juvenile Justice Code may grant permission for the Department of Corrections or a county department to administer psychotropic medication to a juvenile 14 years of age or over who is under the supervision of DOC or the county department and who wishes to be administered such medication if the consent of the juvenile's parent or guardian is unreasonably withheld, in conjunction with other criteria. However, the court may not determine that consent is unreasonably withheld solely because the parent or guardian relies on treatment by spiritual means through prayer for healing in accordance with his or her religious tradition. This bill eliminates that exception.

Currently, there aren't any juveniles under the Department's custody not receiving psychotropic medications due to the juvenile's parent or guardian withholding consent because of their preference to use treatment by spiritual means. As a result, this component of the bill will have no impact upon the Department's costs. However, if any juveniles currently under custody of the county departments are not provided psychotropic medication due to parental or guardian reliance on treatment by spiritual means, this legislation may increase the ability of county departments to administer psychotropic medications to these juveniles resulting from an enhanced ability of juvenile courts to grant such treatment. As a result, increased local costs may occur if the costs of the medications will be borne by the county departments.

Long-Range Fiscal Implications