

Fiscal Estimate Narratives

DOC 2/5/2009

LRB Number	09-0564/1	Introduction Number	SB-022	Estimate Type	Original
Description Reckless homicide of a child by a parent or caregiver and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law when a person commits a crime under certain circumstances, the crime committed may be subject to a penalty enhancement resulting in a potential increase in fines, confinement time or extended supervision or a combination of all three penalty enhancements.

Currently first degree reckless homicide is a Class B felony (maximum term of confinement 40 years, extended supervision 20 years). However, if death is caused by manufacturing, distributing, delivering, or administering a controlled substance the penalty is reduced to a Class C felony (maximum term of confinement 25 years, extended supervision 15 years). Second degree reckless homicide is a Class D felony (maximum term of confinement 15 years, extended supervision 10 years).

This bill creates new penalty enhancements when a parent or caregiver is convicted of 1st or 2nd degree reckless homicide of a child that is 5 years of age or younger. The penalty enhancements would be as follows; 1) if the child is under the age of one-year, the maximum term of confinement is increased by 20 years, 2) if the child is one or two years of age but less than 3 years of age, the maximum term of confinement is increased by ten years, and 3) if the child is at least three but less than five years of age, the maximum term of confinement is increased by five years.

The average FY08 annual cost for an inmate in a DOC institution is approximately \$30,700. 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 \$4,600, based on FY08 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.

In FY08 the Department admitted 34 offenders for first-degree reckless homicide and 19 offenders for second-degree reckless homicide. However, the Department is unable to estimate the number of offenders who may be subject to the criminal penalty provisions of this bill since data is not available on the age of the victim. In addition, the fiscal impact of this bill is dependent on whether an offender would serve a longer period of imprisonment under this bill than he or she would have under existing penalty levels.

A local impact will not occur because an offender sentenced under the provisions of this bill will be sentenced to a state prison and not a county jail.

Long-Range Fiscal Implications