

Fiscal Estimate Narratives

DOC 11/9/2009

LRB Number	09-1147/2	Introduction Number	SB-384	Estimate Type	Original
Description Defense to criminal prosecutions for parent or guardian for using spiritual treatment in lieu of medical treatment on a child and the election of Christian Science treatment for a child in lieu of medical or surgical treatment for the cure of disease					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person is not considered guilty of the crime of physical abuse of a child solely because the person provides a child with treatment by spiritual means instead of medical or surgical treatment. This bill creates a general affirmative defense to criminal prosecutions for a parent or guardian (defendant) of an individual under the age of 18 who reasonably uses, on the individual, spiritual treatment instead of medical treatment.

It is not clear to what extent these provisions would affect the outcomes of criminal proceedings for this crime. If the provisions of this bill increase or decrease felony convictions, the Department's costs will similarly increase or decrease.

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 to supervise one offender is approximately \$2,600. County jails could also experience increased or decreased costs, as offenders may be sentenced to jail as a condition of probation. The Department doesn't have any data that would assist us in predicting how many offenders will be convicted under the provisions of the bill and thus it is not possible to estimate the fiscal impact.

Long-Range Fiscal Implications