

Fiscal Estimate - 2011 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 11-0051/1		Introduction Number AB-0136	
Description Mandatory minimum sentences and extended supervision eligibility for persons who commit certain crimes against children and providing penalties			
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 checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		<input type="checkbox"/> Decrease Costs	
Local:			
<input checked="" type="checkbox"/> No Local Government Costs			
<input type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs <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"/> Counties <input type="checkbox"/> School Districts		<input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts	
<input type="checkbox"/> Cities			
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
Agency/Prepared By		Authorized Signature	Date
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Fiscal Estimate Narratives

DOC 5/25/2011

LRB Number	11-0051/1	Introduction Number	AB-0136	Estimate Type	Original
Description Mandatory minimum sentences and extended supervision eligibility for persons who commit certain crimes against children and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

This bill changes the criminal classification to a Class A felony for persons convicted of having sexual intercourse with a person under the age of 12 and requires lifetime confinement in prison without the possibility of extended supervision. The bill also requires a lifetime confinement in prison without the possibility of extended supervision for persons convicted of having sexual intercourse or sexual contact with a person under the age of 13 that results in great bodily harm or convicted of the crime of intentional homicide if the victim was under the age of 18. This bill also increases the mandatory confinement of a person over the age of 18 who possesses child pornography from three years to 12 years.

The Department of Corrections is unable to estimate the number of offenders who will be subject to the new criminal penalty provisions or what the sentencing practices of the courts will be; therefore a state fiscal impact cannot be estimated. The Department would see increased costs, if offenders are convicted under the new criminal penalty violations and are placed on community supervision or sentenced to prison. This bill significantly changes the sentencing structure of several offenses, which would greatly impact the department's budget. Attachment 1: Per Single Offender Cost Difference table identifies the per offender cost for each offense under the current law and compares it to the per offender cost of this bill. In FY10, there were:

- 15 offenders admitted to WI DOC institutions for sexual assault of a child under 12 years of age,
- 215 offenders admitted to WI DOC institutions for sexual assault of a child,
- 32 offenders admitted to WI DOC institutions for intentional homicide of a person under 18 years of age, and
- 37 offenders admitted to WI DOC institutions for possession of child pornography.

The average FY10 annual cost for an inmate in a DOC institution is approximately \$32,100. 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 \$5,100, based on FY10 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person. The average FY10 annual cost for community supervision is approximately \$2,800.

There would be no impact on local government since the bill only revises a penalty for an existing crime.

Long-Range Fiscal Implications

Attachment 1: Per Single Offender Cost Difference for Sentencing Changes in AB-0136

Offense	Current Law			This Bill			Difference per Single Offender
	Per Single Offender Cost	Maximum Prison Sentence	Per Single Offender Cost	Maximum Prison Sentence	Per Single Offender Cost	Maximum Prison Sentence	
Sexual Intercourse with a person under age 12	\$ 802,500	25 years	\$ 1,605,000	Life imprisonment, no possibility of extended supervision	\$ 802,500		\$ 802,500
Sexual Intercourse with a person under age 13 that results in great bodily harm	\$ 802,500	25 years	\$ 1,605,000	Life imprisonment, no possibility of extended supervision	\$ 802,500		\$ 802,500
Intentional Homicide of a person under age 18	\$ 1,605,000	Life	\$ 1,605,000	Life imprisonment, no possibility of extended supervision (if victim was under 18 years of age)	\$ -		\$ -
Offense	Per Single Offender Cost	Minimum Prison Sentence	Per Single Offender Cost	Minimum Prison Sentence	Per Single Offender Cost	Minimum Prison Sentence	Difference per Single Offender
Possession of Child Pornography by a person over age 18	\$ 96,300	3 years	\$ 385,200	12 years	\$ 288,900		\$ 288,900

Assumptions:

Life and Life Imprisonment assumes 50 years.

The per offender cost utilizes the average FY10 annual cost, \$32,100, for an inmate at a DOC institution.