

Fiscal Estimate Narratives

DOC 1/4/2012

LRB Number	11-2984/1	Introduction Number	AB-0449	Estimate Type	Original
Description Increased penalty for repeated domestic abuse offenses and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, if a person is arrested for a domestic abuse crime and commits a second domestic abuse crime (against the same victim or a different victim) within 72 hours after being arrested for the first crime, the person's maximum term of imprisonment for the second crime may be increased by up to two years. Additionally, the penalty increase changes the status of the second crime from a misdemeanor to a felony.

Under this bill, the same increase in the term of imprisonment and the same change from a misdemeanor to a felony also applies to a person who was convicted on two separate occasions, of a felony or a misdemeanor for which a court imposed a domestic abuse surcharge during the ten-year period immediately prior to the commission of the crime for which the person presently is being sentenced.

There would be a state fiscal impact if some individuals who currently are penalized as committing a misdemeanor offense (a misdemeanor domestic abuse crime occurring later than 72 hours after arrest for an initial domestic abuse crime) would instead be considered as committing a felony offense under this bill. State costs may result from an offender receiving a prison term, or placement of an offender onto probation.

It is not possible to determine how many individuals will be penalized for repeat domestic abuse crimes as defined in this bill, or what type of prison or probation term they would receive. Therefore, a state fiscal impact cannot be estimated. The average FY11 annual cost for an inmate in a DOC institution is approximately \$33,500. 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 \$5,200, based on FY11 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person. The average FY11 annual cost to supervise one offender in the community is approximately \$2,900.

Local county jail costs would similarly decrease if offenders who would have been sentenced to jail are instead sentenced to prison. A local fiscal impact cannot be estimated as well, due to reasons indicated above.

Long-Range Fiscal Implications