

### Fiscal Estimate - 2011 Session

Original       Updated       Corrected       Supplemental

|  |  |  |   |
|--|--|--|---|
| <b>LRB Number</b> 11-1854/1  |  | <b>Introduction Number</b> SB-127  |   |
| <b>Description</b><br>Aggravating factors for a court to consider when sentencing persons  |  |  |   |
| <b>Fiscal Effect</b>   |  |  |   |
| <b>State:</b>  |  |  |   |
| <input type="checkbox"/> No State Fiscal Effect  |  |  |   |
| <input checked="" type="checkbox"/> Indeterminate  |  |  |   |
| <input type="checkbox"/> Increase Existing Appropriations  | <input type="checkbox"/> Increase Existing Revenues                    | <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget<br><input type="checkbox"/> Yes <input type="checkbox"/> No |   |
| <input type="checkbox"/> Decrease Existing Appropriations  | <input type="checkbox"/> Decrease Existing Revenues                    |  |   |
| <input type="checkbox"/> Create New Appropriations   |  | <input type="checkbox"/> Decrease Costs  |   |
| <b>Local:</b>  |  |  |   |
| <input type="checkbox"/> No Local Government Costs   |  |  |   |
| <input checked="" type="checkbox"/> Indeterminate  |  |  |   |
| 1. <input type="checkbox"/> Increase Costs   | 3. <input type="checkbox"/> Increase Revenue                           | 5. Types of Local Government Units Affected  |   |
| <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory   | <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |  | <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities |
| 2. <input type="checkbox"/> Decrease Costs   | 4. <input type="checkbox"/> Decrease Revenue                           |  | <input type="checkbox"/> Counties <input type="checkbox"/> Others                               |
| <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory   | <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |  | <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts               |
|  |  |  |   |
| <b>Fund Sources Affected</b>   |  | <b>Affected Ch. 20 Appropriations</b>  |   |
| <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS |  |  |   |
| <b>Agency/Prepared By</b>  | <b>Authorized Signature</b>  | <b>Date</b>  |   |
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## Fiscal Estimate Narratives

DOC 6/21/2011

|   |                            |                        |
|---|----------------------------|------------------------|
| LRB Number 11-1854/1  | Introduction Number SB-127 | Estimate Type Original |
| <b>Description</b><br>Aggravating factors for a court to consider when sentencing persons |                            |                        |

### Assumptions Used in Arriving at Fiscal Estimate

If a person is convicted of a crime involving an act of domestic abuse and the crime was committed in the presence of a child, this bill would require the sentencing court to consider as an aggravating factor that the convicted person committed the crime in the presence of a child.

The courts use presentence investigation reports to assist them during sentencing of offenders. Reports for an individual convicted of domestic abuse would typically be prepared by a Probation and Parole Agent within the Department of Corrections. Under this bill, the Agent would need to include in their report whether or not the domestic abuse was committed in a place or manner which was observable, audible, or in the presence of a child. Because Agents already conduct presentence investigations under current law, this bill should not have an impact on the costs for these investigations.

The Department is unable to estimate the future number of offenders who may be subject to a different sentence as a result of the provisions included in this bill, and therefore an accurate state fiscal impact cannot be estimated.

In FY10 the annual cost of an inmate in a DOC institution was 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 annual cost for community supervision was \$2,800 in FY10.

A local impact would occur if an adult offender is sentenced to a jail term, or has a jail term increased under the provisions of this bill. A local fiscal impact cannot be estimated.

### Long-Range Fiscal Implications