

Fiscal Estimate Narratives

DOC 4/14/2011

LRB Number	11-1069/2	Introduction Number	SB-056	Estimate Type	Original
Description Evidentiary recordings of persons under the age of 18 engaging in sexually explicit conduct and certain sex offenses against children and providing penalties.					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person is guilty of a Class F or H felony if they cause a child under the age of 18 to view or listen to sexually explicit conduct for sexual arousal or gratification of the person or for humiliation or degradation of the child. In addition, a person is guilty of a Class C felony if they communicate via a computer with an individual, whom they believe is under 16 years of old, to facilitate a sexual crime. This bill would make the attempt to do either of these crimes a felony punishable at the same level as the completed crime. In addition, under this bill, if the person believes or has reason to believe they are causing someone who has not attained 18 years of age to view or listen to sexually explicit conduct, they could also be charged with a Class F or H felony. A class C felony would be punishable by a maximum sentence length of 40 years with a maximum confinement time of 25 years, a class F felony would be punishable by a maximum sentence length of 12.5 years with a maximum confinement time of 7.5 years, and a Class H felony would be punishable by a maximum sentence length of 6 years with a maximum confinement time of 3 years.

The Department of Corrections is unable to estimate the number of offenders who will be subject to the new criminal penalty provisions of this bill, and therefore is unable to estimate the state fiscal impact. However, if additional offenders are convicted, the Department will see increased costs.

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.

Long-Range Fiscal Implications