

Fiscal Estimate - 2013 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 13-4354/1	Introduction Number SB-637
Description Eliminating voluntary intoxication as a defense to criminal liability	
Fiscal Effect	
State: <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 <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs	
Local: <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	
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	
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Date 3/6/2014	

Fiscal Estimate Narratives

DOC 3/6/2014

LRB Number	13-4354/1	Introduction Number	SB-637	Estimate Type	Original
Description Eliminating voluntary intoxication as a defense to criminal liability					

Assumptions Used in Arriving at Fiscal Estimate

Under current legislation, if a person is in an intoxicated or drugged condition when they are alleged to have committed a crime, the condition is a defense to criminal liability if: 1) the person was involuntarily intoxicated or drugged and rendered incapable of distinguishing between right and wrong; or 2) the person's condition, whether voluntary or involuntary, made it impossible to have intent to commit the crime. Current criminal recklessness legislation renders voluntary intoxication an ineffective defense to criminal liability in the circumstance that had the actor not been in that condition, they would have been aware of creating an unreasonable and substantial risk of death or great bodily harm. Under proposed legislation, voluntary intoxication is eliminated as a defense.

It is difficult to determine a potential fiscal impact experienced by the Department for the elimination of voluntary intoxication as a defense to criminal liability. The current statutory provision rendering voluntary intoxication an ineffective defense was not utilized to sentence a DOC prisoner or community supervision offender in FY13. Since no additional penalty is provided for voluntary intoxication within the proposed legislation, and the proposed legislation exists as an element of crime, it is not clear to what extent, or whether, this provision would affect the outcomes of criminal proceedings. If the provision did indeed increase felony convictions, the Department's cost would increase.

The average FY13 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 \$5,400 based on FY13 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

State costs could change if an increased number of offenders are convicted as a consequence of this element of crime and placed on probation. The average FY13 annual cost to supervise one offender is approximately \$2,700. County jails could also experience increased costs, as offenders may be sentenced to jail as a condition of probation.

Long-Range Fiscal Implications