

Fiscal Estimate Narratives

DOC 7/17/2015

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| LRB Number | 15-0733/1 | Introduction Number | AB-0267 | Estimate Type | Original |
| Description Investigation of a child abuse report in which a person who is not a caregiver of the child is suspected of permitting, allowing, or encouraging the child to engage in prostitution; and prohibiting prosecuting a person under the age of 18 with committing an act of prostitution | | | | | |

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who commits an act of prostitution is guilty of a Class A misdemeanor. If the person has not attained the age of 18 when he or she commits an act of prostitution, a court may enter a consent decree under the Juvenile Justice Code or a deferred prosecution under the Juvenile Justice Code or adult criminal statutes, if the court determines that a consent decree or a deferred prosecution agreement will serve the best interests of the person and will not harm society.

This bill proposes that a person who has not attained the age of 18 when he or she commits an act of prostitution may not be prosecuted for committing an act of prostitution. It eliminates the option, for a person under the age of 18, of entering a consent decree or a deferred prosecution agreement.

The Department of Corrections (DOC) is unable to estimate the state fiscal effect of this bill, as it is unable to predict the number of juveniles under the age of 17 that, absent this bill, would be adjudicated delinquent for committing an act of prostitution. There are currently no juvenile offenders in DOC's juvenile correctional institutions who were adjudicated delinquent for committing an act of prostitution.

Because the maximum term of imprisonment for a Class A misdemeanor is nine months, a 17-year-old cannot be sentenced to an adult correctional institution for committing an act of prostitution. However, a 17-year-old convicted of committing an act of prostitution could be placed on probation. There are currently three offenders on active supervision by DOC for committing an act of prostitution when they were 17 years old. Any reduction in the number of offenders convicted of this crime and placed on probation would decrease costs to DOC. The average FY14 annual cost to supervise one offender was approximately \$2,800.

The local fiscal impact of the bill cannot be estimated because the DOC is unable to predict the number of juveniles that, absent this bill, would be adjudicated delinquent for committing an act of prostitution. Any reduction in the number of juveniles supervised in the community, and any reduction in services requested by counties from DOC or local agencies (such as residential care facilities and foster homes), would decrease costs to counties.

Additionally, if 17-year-olds have in the past received jail sentences for this crime, any reduction in the number of such sentences would decrease costs to counties. The average FY14 annual cost to jail inmates was approximately \$18,800.

Long-Range Fiscal Implications