

Fiscal Estimate Narratives

DOC 10/14/2015

LRB Number	15-3351/1	Introduction Number	SB-303	Estimate Type	Original
Description Increasing prison terms upon conviction for gang-related crimes and creating a criminal penalty					

Assumptions Used in Arriving at Fiscal Estimate

This bill creates an enhanced penalty for persons who are convicted of a crime that a fact-finder determines to be gang-related. Under the bill, if a person is convicted of a violation of the criminal code or of a violation related to a controlled substance, and the violation was committed for the benefit of, at the direction of, or in association with a criminal gang or committed with the intent to promote or otherwise assist any criminal conduct by criminal gang members, the term of imprisonment for the crime may be increased.

Under the bill, if the underlying offense is a misdemeanor, the court may increase the maximum term of imprisonment for the misdemeanor by up to six months. The court may increase the maximum term of imprisonment for a Class A to Class D felony by up to five years, for a Class E to Class G felony by up to four years, and for a Class H or Class I felony by up to three years.

The Department of Corrections is unable to determine the fiscal impact of the bill as it cannot predict the number of people that will be sentenced and the sentencing practices of judges under the new law.

The average FY14 annual cost for an inmate in a DOC institution is approximately \$32,800. 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 \$5,700 based on FY14 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

If there is a large increase in the number of offenders placed on probation or extended supervision or their time on supervision is extended as a result of this bill, additional community corrections funding and/or positions may be necessary to handle the population.

The local fiscal impact of the bill cannot be predicted because the Department of Corrections cannot predict the number of people that will be sentenced and the sentencing practices of judges under the new law. Costs at the local level may increase if offenders are placed in jail rather than prison. The average FY14 annual cost to jail an adult inmate was \$18,800.

Long-Range Fiscal Implications