

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number **15-3825/2** Introduction Number **SB-457**

Description
 Trespass and damage to property owned or used by an energy provider and providing a criminal penalty

Fiscal Effect

State:

No State Fiscal Effect
 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"/> 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

Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

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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Fiscal Estimate Narratives

DOC 12/21/2015

LRB Number	15-3825/2	Introduction Number	SB-457	Estimate Type	Original
Description Trespass and damage to property owned or used by an energy provider and providing a criminal penalty					

Assumptions Used in Arriving at Fiscal Estimate

This bill increases the criminal penalty for intentionally damaging physical property without consent from a Class A misdemeanor to a Class H felony if (1) the damaged property is owned, leased, or operated by an energy provider and (2) the actor intended to, or did, cause a substantial interruption or impairment of any service or good provided by the energy provider.

This bill also establishes that a person is guilty of a Class H felony if he or she intentionally enters an energy provider property without lawful authority and without the consent of the energy provider that owns, leases, or operates the property.

The Department of Corrections (DOC) is unable to estimate the state fiscal effect of this bill, as it is unable to estimate how many individuals will be subject to the bill's new criminal penalty provisions. The precise cost of this legislation will ultimately depend on the number of offenders and the sentencing practices of judges.

While it is not possible to estimate the number of individuals that will be convicted of this crime, any increase in the prison population, either through new admissions or longer sentences, would have a financial impact on the DOC. The average FY15 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 \$5,600 based on FY15 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

State costs could change if an increased or decreased number of offenders are convicted of this crime and placed on probation. The average FY15 annual cost to supervise one offender is approximately \$2,800.

The local fiscal impact of the bill cannot be estimated because the DOC is unable to predict the number of people that will be convicted of these crimes and the sentencing practices of judges. Costs at the local level may increase if offenders are placed in jail rather than prison.

Long-Range Fiscal Implications