

### Fiscal Estimate - 2015 Session

Original     
  Updated     
  Corrected     
  Supplemental

LRB Number <b>15-2115/1</b>	Introduction Number <b>SB-117</b>
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**Description**  
 Battery and threats to a judge, a prosecutor, or a law enforcement officer and providing a criminal penalty

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease 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 Costs
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**Local:**

No Local Government Costs  
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	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
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<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 410	

<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
DOC/ Jokisch Jacob (608) 240-5415	Melissa Roberts (608) 240-5055	4/8/2015

## Fiscal Estimate Narratives

DOC 4/8/2015

LRB Number	15-2115/1	Introduction Number	SB-117	Estimate Type	Original
<b>Description</b> Battery and threats to a judge, a prosecutor, or a law enforcement officer and providing a criminal penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, no person may intentionally cause bodily harm to a law enforcement officer acting in an official capacity, if the actor knows or has reason to know that the victim is a law enforcement officer. Under current law, no one may intentionally cause or threaten bodily harm to a judge or a member of a judge's family if the person knows that the person harmed or threatened is a judge or a family member of the judge and the person who causes or threatens harm does so while the judge is acting in his or her official capacity or as a response to an official action by the judge. A person who commits any of these acts is guilty of a Class H felony and may be fined not more than \$10,000, imprisoned for not more than six years, or both.

Under this bill, a person who intentionally causes or threatens bodily harm to a judge, a prosecutor, or a law enforcement officer, or who intentionally causes or threatens bodily harm to a family member of any of those persons, is guilty of Class H felony if the person knows or should know that the victim is a judge, prosecutor, law enforcement officer, or family member of any of those, if the person commits the offense in response to any action taken in the judge's, prosecutor's, or law enforcement officer's official capacity, or if the person commits the offense while the judge, prosecutor, or law enforcement officer is acting in his or her official capacity.

The Department 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, 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 inmate was \$18,800

### Long-Range Fiscal Implications