

Fiscal Estimate - 2015 Session

Original Updated Corrected Supplemental

LRB Number 15-0477/2	Introduction Number AB-0220	
Description Establishing a mandatory minimum period of confinement in prison for a person who possesses a firearm or who uses a firearm to commit certain crimes after being convicted of committing certain violent felonies, and providing a criminal penalty		
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"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriations <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		
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 <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 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		
Fund Sources Affected <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 410	Affected Ch. 20 Appropriations	
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Fiscal Estimate Narratives

DOC 5/22/2015

LRB Number	15-0477/2	Introduction Number	AB-0220	Estimate Type	Original
Description Establishing a mandatory minimum period of confinement in prison for a person who possesses a firearm or who uses a firearm to commit certain crimes after being convicted of committing certain violent felonies, and providing a criminal penalty					

Assumptions Used in Arriving at Fiscal Estimate

Current law generally prohibits a person from possessing a firearm if he or she has been convicted of a felony, found not guilty of a felony by reason of mental disease or defect, or adjudicated delinquent for an act that if committed by an adult in this state would be a felony. A person who violates the prohibition is guilty of a felony and is subject to a fine of up to \$25,000 or a term of imprisonment of up to ten years, or both.

Under this bill, if the person was convicted of certain violent felonies and violates the prohibition on possessing a firearm, he or she must be sentenced to at least three years of confinement in prison. If the person is convicted of using a firearm to commit certain violent Class A to Class G felonies, he or she must be sentenced to at least five years of confinement in prison. If a person is convicted of using a firearm to commit certain violent Class H or Class I felonies, he or she must be sentenced to at least three years or at least one year and six months, respectively, of confinement in prison. The bill contains a sunset provision that eliminates the mandatory minimum period of confinement for sentences imposed on or after July 1, 2020.

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. While this bill establishes a minimum sentence for people who were convicted of certain violent felonies and then violated the prohibition on firearms, it is unknown whether this will increase or decrease the average sentence for these crimes.

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 on extended supervision or the average length of 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 decrease if offenders are placed in prison for the minimum sentence instead of jail. Costs may stay the same if these types of offenses already always result in prison time.

Long-Range Fiscal Implications