

### Fiscal Estimate - 2015 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>15-0773/2</b>	<b>Introduction Number</b> <b>AB-0284</b>
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**Description**  
 Causing or threatening bodily harm to certain child welfare and juvenile justice workers, and providing a criminal penalty

**Fiscal Effect**

**State:**

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input checked="" type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		

**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	<b>5. Types of Local Government Units Affected</b> <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	

<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	

<b>Agency/Prepared By</b> DOC/ Emily Reilly (608) 240-5413	<b>Authorized Signature</b> Donald Friske (608) 240-5056	<b>Date</b> 7/13/2015
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## Fiscal Estimate Narratives

DOC 7/13/2015

LRB Number	15-0773/2	Introduction Number	AB-0284	Estimate Type	Original
<b>Description</b> Causing or threatening bodily harm to certain child welfare and juvenile justice workers, and providing a criminal penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who intentionally causes bodily harm to another without the other person's consent commits the crime of ordinary battery, the penalties for which increase depending on the severity of the injury the person causes his or her victim. A person convicted of ordinary battery is subject to fines and periods of imprisonment. Current law provides more severe penalties for battery committed under certain circumstances against certain government officials, employees, and agents.

Among those covered under these "special circumstances battery" provisions are law enforcement officers, fire fighters, and probation, parole, and aftercare agents. If a person intentionally causes bodily harm to one of these employees, the person is guilty of a Class H felony and may be fined not more than \$10,000 or sentenced to a term of imprisonment of not more than six years, or both, if the person knows or has reason to know that the victim is an employee of the pertinent department, the victim is acting in his or her official capacity, and the victim does not consent to the harm.

This bill extends the special circumstances battery provisions to a person who is employed by, or under contract with, a court, a county department of human or social services, a tribal child welfare agency, or the department of children and families, to provide intake, dispositional, or other services relating to child welfare or juvenile justice (child welfare or juvenile justice worker). Under the bill, if a person intentionally causes bodily harm or threatens to cause bodily harm to a child welfare or juvenile justice worker, the person is guilty of a Class H felony if the person knows or has reason to know that the victim is a child welfare or juvenile justice worker, the victim is acting in his or her official capacity, and the victim does not consent to the harm.

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. If the offender is under 17 years old, they would be under juvenile court jurisdiction, which could result in a state (DOC) commitment or local disposition.

While it is not possible to estimate how many juveniles would be adjudicated delinquent under this bill, any increase in the number of juveniles adjudicated delinquent and placed in juvenile correctional institutions, and any associated increase in requests by counties for DOC to provide corrective sanctions and aftercare services, may result in an increase in state PR funding paid by counties to DOC for juvenile correctional services. The FY15 daily rates per juvenile offender charged to counties by DOC's Division of Juvenile Corrections for these services are: \$301 for juvenile correctional institutions; \$128 for corrective sanctions; and \$41 for aftercare.

If a juvenile court chooses a non-state commitment, the juvenile could be sent to a secure detention facility, a treatment facility, or placed on county supervision. The costs would be borne by the county. If the offender is 17 or older when they commit this offense, they would be under adult court jurisdiction. It is not possible to know the number of adults that would be sentenced under the bill.

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 adult inmate was \$18,800.

### **Long-Range Fiscal Implications**