

Fiscal Estimate - 2015 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

LRB Number 15-1333/1	Introduction Number AB-0302	
Description Penalty enhancer for certain crimes committed on the premises of a gas station if actor is armed and providing a penalty		
Fiscal Effect State: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <div style="display: flex;"> <div style="width: 50%;"> <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 50%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> </div> </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <input type="checkbox"/> Decrease Costs </div> </div> Local: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate <div style="display: flex;"> <div style="width: 50%;"> 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 </div> <div style="width: 50%;"> 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 </div> </div> </div> <div style="width: 33%;"> 5. Types of Local Government Units Affected <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns <input type="checkbox"/> Counties <input type="checkbox"/> School Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Cities </div> </div> </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div> 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 </div> <div> Affected Ch. 20 Appropriations </div> </div>		
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Fiscal Estimate Narratives

DOC 8/19/2015

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Description Penalty enhancer for certain crimes committed on the premises of a gas station if actor is armed and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, if a person commits a crime while possessing, using, or threatening to use a dangerous weapon, the maximum term of imprisonment prescribed by law for that crime is increased by up to six months if the crime is a misdemeanor, by up to four years if the crime is a felony with a maximum term of imprisonment between two and five years, by up to five years if the crime is a felony with a maximum term of imprisonment of more than five years or a life term, and by up to three years for a felony not specified above.

Under this bill, a person is subject to a penalty enhancer if the person, while armed with a handgun and on the premises of a gas station, commits intentional homicide, first-degree reckless homicide, felony murder, certain batteries, taking hostages, kidnapping, certain crimes of damage to property, burglary, carjacking, or robbery if the property taken is at least \$100. If the person commits one of those crimes and the crime is a felony, the maximum term of imprisonment is increased by five years, and if the crime is a misdemeanor, the maximum term of imprisonment is increased by three months. 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.

It is not possible to determine the fiscal impact to the DOC because the proposed bill would create a new penalty enhancer and no data exists to estimate how many individuals would be subject to the penalty enhancer and sentenced to DOC's institutions or be placed under the DOC's supervision in the community. State costs could increase if offenders are convicted under this penalty enhancer and it results in more prison time for the offense. Additionally, if there is a large increase in the length of extended supervision or probation for offenders, additional community corrections funding and/or positions may be necessary to handle the population. The average FY14 annual cost to supervise one offender is approximately \$2,800.

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.

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 increase if the penalty enhancer results in longer jail sentences for misdemeanor offenses.

Long-Range Fiscal Implications