

### Fiscal Estimate - 2015 Session

Original                     
  Updated                     
  Corrected                     
  Supplemental

<b>LRB Number</b> <b>15-2649/1</b>	<b>Introduction Number</b> <b>SB-414</b>
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**Description**  
 Considering post-traumatic stress disorder as a mitigating factor in sentencing certain criminal offenders

**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	<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
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<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<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	

<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
DOC/ Jokisch Jacob (608) 240-5415	Jeffrey Grothman (608) 240-5056	12/4/2015

## Fiscal Estimate Narratives

DOC 12/4/2015

LRB Number 15-2649/1	Introduction Number SB-414	Estimate Type Original
<b>Description</b> Considering post-traumatic stress disorder as a mitigating factor in sentencing certain criminal offenders		

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, when a court makes a sentencing decision concerning a person convicted of a criminal offense, the court must consider the protection of the public, the gravity of the offense, the rehabilitative needs of the defendant, and any applicable mitigating factors or aggravating factors to the crime.

Under current law, an offense may be aggravated by the circumstances under which the offense took place, such as delivery of a controlled substance to a prisoner or on a public transit vehicle, by the nature of the victim, such as when an elderly person is victimized, or by the nature of the offender, such as when a person who is responsible for a child's welfare commits an offense against the child.

Under this bill, when a court makes a sentencing decision concerning a person who is a military veteran and has been diagnosed as suffering from post-traumatic stress disorder resulting from the person's military service, the court may consider that as a mitigating factor.

The Department of Corrections is unable to determine the fiscal impact of the bill as it cannot predict the number of people that will be affected by the bill, the current sentencing practices of judges for veterans with PTSD, and the possible sentencing practices of judges under the new law.

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.

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 how the sentencing practices of judges will change under the new law. Costs at the local level may increase if offenders are placed in jail rather than prison. Costs may decrease if the average sentence is reduced and there is the same number of offenders. The average FY15 annual cost to jail an adult inmate was \$18,800.

### Long-Range Fiscal Implications