

Fiscal Estimate Narratives

DOC 1/8/2016

LRB Number	15-3099/1	Introduction Number	SB-497	Estimate Type	Original
Description Using a drone to commit a crime and providing a criminal penalty					

Assumptions Used in Arriving at Fiscal Estimate

This bill creates a penalty enhancer for a crime if the offender uses a drone to commit the crime.

Under the bill, if a person uses a drone to commit a violation of the criminal code or commits a criminal offense related to a controlled substance, the person is subject to an increased penalty for the underlying crime. Under the bill, if the underlying offense is a misdemeanor but not a Class A misdemeanor, the person is subject to a maximum fine of \$10,000, and a maximum term of imprisonment of one year in the county jail.

If the underlying crime is a Class A misdemeanor, the person who uses a drone to commit that crime is guilty of a felony and subject to a \$10,000 fine and up to two years in prison. If the underlying crime is a felony, the maximum fine for the crime is increased by up to \$5,000 and the maximum term of imprisonment for the crime is increased by up to five years.

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 sentenced and the 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.

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 additional offenders are placed in jail instead of probation because of the penalty enhancer. Costs may decrease if offenders are sent to prison instead of jail because of the penalty enhancer. The average FY15 annual cost to jail an adult inmate was \$18,800.

Long-Range Fiscal Implications