

Fiscal Estimate - 2017 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 17-1915/1	Introduction Number AB-0088	
Description crimes subject to a mandatory minimum sentence		
Fiscal Effect		
State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input checked="" type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local: <input checked="" type="checkbox"/> No Local Government Costs <input 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 Affected Ch. 20 Appropriations <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		
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Fiscal Estimate Narratives

DOC 3/13/2017

LRB Number	17-1915/1	Introduction Number	AB-0088	Estimate Type	Original
Description crimes subject to a mandatory minimum sentence					

Assumptions Used in Arriving at Fiscal Estimate

Current law imposes a mandatory minimum sentence for repeat serious violent crimes that currently includes felony murder or second-degree intentional homicide if the person has been previously convicted of felony murder, second-degree intentional homicide, or a crime punishable by life imprisonment. The court must sentence the person to be confined in prison for at least three years and six months.

This bill increases the mandatory minimum sentence to five years and adds the following crimes to be subject to the mandatory minimum sentence if the person has been previously convicted of one of the crimes or a crime punishable by life imprisonment: first-degree or second-degree reckless homicide, homicide by intoxicated use of a vehicle or firearm, aggravated battery, mayhem, taking hostages, kidnapping, causing death by tampering with household products, arson of buildings or damage by explosives, carjacking, armed robbery, robbery of a financial institution, physical abuse of a child, child abduction, and child trafficking.

The Department of Corrections (DOC) determined that there are 8 current inmates (as of 12/31/16) who would be newly subject to the mandatory minimum sentence for repeat serious violent crimes due to the expansion of statutes as they have twice committed one (or more) of the following: felony murder, second-degree intentional homicide, a crime punishable by life imprisonment, first-degree or second-degree reckless homicide, homicide by intoxicated use of a vehicle or firearm, aggravated battery, mayhem, taking hostages, kidnapping, causing death by tampering with household products, arson of buildings or damage by explosives, carjacking, armed robbery, robbery of a financial institution, physical abuse of a child, child abduction, and child trafficking.

The DOC assumes that the number of convictions for offenses newly eligible for serious repeat violent crimes would stay the same at 1.75 inmates admitted to prison per year. The DOC estimates that it would see an annualized population increase of 2.66 inmates per year from applying the mandatory minimum sentence of five years to inmates who currently receive less than five years (assumes all other inmate sentences stay the same). The DOC would see no increase in the first two years after enactment, an increase of 0.5 inmates in the third year, an increase of 1.33 inmates in the fourth year, and then an annualized increase of 2.66 inmates starting in the fifth year.

The DOC does not have excess capacity at its prisons so additional inmates would have to be placed in contract beds. The FY16 cost to place an inmate in a contract bed was \$18,800 annually.

The DOC would need additional funding of \$9,400 in the third year after enactment, \$25,000 in the fourth year, and additional annual funding of \$50,000 starting in the fifth year.

State costs for supervising these individuals could also increase an indeterminate amount if judges increase the length of Extended Supervision (ES) given to inmates. If judges increase the length of ES, the average FY16 annual cost to supervise one offender is approximately \$3,000.

There should be no local impact as this bill does not affect the county jail population as the only offenders impacted by this bill are already receiving prison sentences and will continue to receive prison sentences.

Long-Range Fiscal Implications