

Fiscal Estimate Narratives

DOC 7/17/2017

LRB Number	17-3409/2	Introduction Number	SB-343	Estimate Type	Original
Description underage sexual activity and providing a criminal penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who has sexual intercourse or sexual contact with a child between the ages of 13 and 16 is guilty of a Class C felony. Also under current law, a person who commits sexually motivated crimes may be required to register as a sex offender if the judge determines that it would be in the interest of public protection. This bill creates a new offense titled underage sexual activity, which would be a Class A misdemeanor.

Under the bill, a person who has sexual contact with a child between 15 and 16 years of age or sexual intercourse with a child between 15 and 18 years of age is guilty of the new crime of underage sexual activity. This bill would allow the judge to determine if it is in the interest of public protection to require the offender to register as a sex offender. Additionally, this bill adds specific acts of third-degree sexual assault to the list of offenses potentially exempt from sex offender registry if the victim is at least 15 years of age and the offender under the age of 19.

There are currently 272 offenders under extended supervision or probation, 173 inmates in adult correctional institutions, and one juvenile committed to a juvenile correctional institution under the statutes that would be impacted by this bill and were under 19 years of age at the time of offense. Some offenders may have other offenses so the final number of individuals to whom these updated provisions affect could be lower. The DOC is unable to determine how many of these offenders could have been sentenced under the provisions of this bill without reviewing the specifics of each case.

Since this bill adds exceptions to an existing offense and creates a new offense, the DOC is ultimately unable to determine the fiscal impact of this bill. If judges sentence individuals to the new Class A misdemeanor offense rather than class C felony offenses, offenders would likely not enter DOC facilities.

The average FY16 annual cost for an inmate in a DOC institution is approximately \$32,300. 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 FY16 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

State costs could change if an increased or decreased number of offenders are convicted of this crime and placed on probation. The average FY16 annual cost to supervise one offender is approximately \$3,000.

The DOC is unable to estimate the local fiscal impact of this bill since the number of offenders who would be eligible for sentencing under the provisions of this bill are unknown. County jails could experience increased or decreased costs, as offenders may be sentenced to jail as a condition of probation. The average FY16 annual cost to jail inmates is \$18,800.

Long-Range Fiscal Implications