

Fiscal Estimate Narratives

DOC 1/22/2020

LRB Number	19-4548/1	Introduction Number	AB-0577	Estimate Type	Original
Description : the possession of a firearm by a person who has committed a misdemeanor crime of domestic violence or by a fugitive from justice and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Current law prohibits a person from possessing a firearm if he or she has been convicted of a felony, found not guilty of a felony by reason of mental disease or defect, or adjudicated delinquent for an act that if committed by an adult in this state would be a felony.

Under this bill, following a conviction, or a finding of not guilty by reason of mental disease or defect, for a misdemeanor crime of domestic violence, state law would prohibit the person from possessing a firearm.

Additionally, under this bill a person who is a fugitive from justice is prohibited from possessing a firearm. This bill defines "fugitive from justice" as someone who, after having committed a criminal offense, leaves the jurisdiction of the court where such crime has taken place or hides within such jurisdiction to escape prosecution.

A person who violates either prohibition is guilty of a Class G felony and is subject to a fine of up to \$25,000 or a term of imprisonment of up to ten years, or both.

This bill defines a "misdemeanor crime of domestic violence" as being a violation of an applicable statute if the offender has an applicable relationship to the victim (i.e. the offender is a family member, a former spouse, or someone with whom the victim has or had a dating relationship or with whom the victim has a child in common).

As of 5/30/2019, the Department of Corrections (DOC) had 74 misdemeanant (non-felon) inmates in adult correctional facilities who were convicted of at least one offense that would qualify as a "misdemeanor crime of domestic violence", as defined by this bill, if the offender had an applicable relationship to the victim. Of these 74 inmates, 29 committed domestic abuse, as defined by s. 968.075, and 10 had a domestic abuse surcharge (under s. 973.055) imposed by a court.

As of 7/10/2019, there were 8,517 misdemeanant (non-felon) offenders on extended supervision or probation who were convicted of at least one offense that would qualify as a "misdemeanor crime of domestic violence", as defined by this bill, if the offender had an applicable relationship to the victim. Of these 8,517 offenders, 4,049 committed domestic abuse, as defined by s. 968.075, and/or had a domestic abuse surcharge (under s. 973.055) imposed by a court.

However, current law does not define domestic abuse in exactly the same way that this bill defines domestic violence. For example, the bill's definition of "domestic violence" includes certain misdemeanor crimes committed against non-adult family members, whereas "domestic abuse" as defined by s. 968.075(1)(a) only includes certain acts committed against the offender's current or former spouse and or against certain non-spouse adults.

As a result, DOC is not able to determine how many of these 74 inmates and 8,517 offenders were convicted of at least one "misdemeanor crime of domestic violence", as defined by the bill, because it is not able to determine precisely how many of these inmates and offenders had applicable relationships with victims. Therefore, DOC cannot determine how many of these inmates and offenders would be subject to the expanded firearm possession prohibition introduced by this bill.

This bill defines "fugitive from justice" as "an individual who, after having committed a criminal offense, leaves the jurisdiction of the court where such crime has taken place or hides within such jurisdiction to escape prosecution."

According to a report provided by WI DOJ, there were a total of 134,328 want records for individuals currently wanted in Wisconsin as of 11/1/19. That is not necessarily the number of wanted individuals, because a person can have multiple warrants and thus multiple want records. Per WI DOJ, records in this report include, but are not limited to, records for wanted individuals who meet this bill's definition of a "fugitive from justice". As a result, DOC is not able to determine how many individuals are covered by these 134,328 want records, nor what portion of those individuals would be subject to the firearm possession prohibition introduced by this bill.

More generally, DOC is unable to estimate the state fiscal effect of this bill, as it is unable to estimate how many misdemeanor offenders and how many fugitives from justice would violate the firearm possession prohibitions introduced by this bill. The precise cost of this legislation will ultimately depend on the number of offenders of these prohibitions and the sentencing practices of judges.

The average FY18 annual cost for an inmate in a DOC institution is approximately \$32,700. 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 \$6,600 based on FY18 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 convicted of these crimes and placed on probation or extended supervision, additional community corrections funding and/or positions may be necessary to handle the population. The average FY18 annual cost to supervise one offender is approximately \$3,200.

The local fiscal impact of the bill cannot be determined because DOC cannot predict the number of people that will be sentenced and the sentencing practices of judges were this bill to become law. County jails could experience increased costs as offenders may be sentenced to jail as a condition of probation. The average FY18 annual cost to jail inmates is \$18,800.

Long-Range Fiscal Implications