

Fiscal Estimate - 2021 Session

Original Updated Corrected Supplemental

LRB Number 21-1672/1 **Introduction Number** AB-0768

Description
considering post-traumatic stress disorder as a mitigating factor in sentencing certain criminal offenders

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
 - Increase Existing Revenues
 - Decrease Existing Revenues
 - Increase Costs - May be possible to absorb within agency's budget
 - Yes
 - No
 - Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
 - 1. Increase Costs
 - 2. Decrease Costs
 - 3. Increase Revenue
 - 4. Decrease Revenue
 - 5. Types of Local Government Units Affected
 - Towns
 - Counties
 - School Districts
 - Village
 - Others
 - WTCS Districts
 - Cities
 - Permissive Mandatory
 - Permissive Mandatory
 - Permissive Mandatory
 - Permissive Mandatory

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEGS

Affected Ch. 20 Appropriations

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

DOC 1/4/2022

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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.

This bill creates a new mitigating factor. 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 diagnosis 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 FY21 annual cost for a person in our care in a DOC institution is approximately \$44,000. 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 \$7,500 based on FY21 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person. If there are additional offenders on community supervision, the average FY21 annual cost to supervise one offender is approximately \$3,400.

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 FY21 annual cost to jail inmates is \$18,800.

Long-Range Fiscal Implications