

### Fiscal Estimate - 2021 Session

Original
     
  Updated
     
  Corrected
     
  Supplemental

<b>LRB Number</b> <b>21-0331/1</b>	<b>Introduction Number</b> <b>SB-317</b>	
<b>Description</b> the possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty		
<b>Fiscal Effect</b>  <b>State:</b> <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input 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		
<b>Local:</b> <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs                     3. <input type="checkbox"/> Increase Revenue                     5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs                     4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
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## Fiscal Estimate Narratives

DOC 5/20/2021

LRB Number	21-0331/1	Introduction Number	SB-317	Estimate Type	Original
<b>Description</b> the possession of a firearm by a person who has committed a misdemeanor crime of domestic violence 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 or found not guilty of a felony by reason of mental disease or defect. In addition, federal law prohibits a person from possessing a firearm if he or she has been convicted of a misdemeanor crime of domestic violence; under current law there is no comparable state prohibition.

Under this bill, state law would also prohibit a person from possessing a firearm if he or she has been convicted of, or found not guilty by reason of mental disease or defect for, a misdemeanor crime of domestic violence. A person who violates the prohibition is guilty of a felony and is subject to a fine of up to \$25,000 or a term of imprisonment of up to 10 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 3/31/2021, the Department of Corrections (DOC) had 30 misdemeanant (non-felon) persons in DOC's care (PIOC) 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 client had an applicable relationship to the victim. Of these 30 PIOC's, 5 committed domestic abuse, as defined by s. 968.075; 15 had a domestic abuse surcharge (under s. 973.055) imposed by a court.

As of 2/28/2021, there were 7,492 misdemeanant (non-felon) clients 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 client had an applicable relationship to the victim. Of these 7,492 clients, 3,741 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 client'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 30 PIOC's and 7,492 clients 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 PIOC's and clients had applicable relationships with victims. Therefore, DOC cannot determine how many of these PIOC's and clients would be subject to the expanded 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 misdemeanant offenders would violate the firearm possession prohibition introduced by this bill. The precise cost of this legislation will ultimately depend on the number of offenders of this prohibition and the sentencing practices of judges.

The average FY20 annual cost for a PIOC in a DOC institution is approximately \$36,200. 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 PIOC's is approximately \$7,000 based on FY20 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 this crime and placed on probation or

extended supervision, additional community corrections funding and/or positions may be necessary to handle the population. The average FY20 annual cost to supervise one offender is approximately \$3,300.

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 or decreased costs, as offenders may be sentenced to jail as a condition of probation. The average FY20 annual cost to jail PIOC's is \$18,800.

### **Long-Range Fiscal Implications**