

Fiscal Estimate Narratives

DOC 5/20/2021

LRB Number	21-0332/1	Introduction Number	SB-318	Estimate Type	Original
Description the possession of a firearm by a person who is 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 or if he or she is subject to certain injunctions, such as a domestic violence or child abuse injunction. In addition, federal law prohibits a person from possessing a firearm if he or she is a fugitive from justice; under current law there is no comparable state prohibition.

Under this bill, state law would also prohibit a fugitive from justice from possessing a firearm. This bill defines "fugitive from justice" as "an individual who has fled from a jurisdiction or hides within a jurisdiction to escape prosecution for a crime or to avoid giving testimony in a criminal proceeding."

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.

According to a report provided by the Wisconsin Department of Justice (DOJ), there were a total of 124,812 want records for individuals currently wanted in Wisconsin as of 5/2/21. That is not necessarily the number of wanted individuals, because a person can have multiple warrants and thus multiple want records. Per 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 124,812 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 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 FY20 annual cost for a person in DOC's care (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