

### Fiscal Estimate - 2023 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 23-2180/1	<b>Introduction Number</b> SB-0695
<b>Description</b> considering post-traumatic stress disorder as a mitigating factor in sentencing certain criminal offenders	
<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 <b>5. Types of Local Government Units Affected</b> <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	
<b>Agency/Prepared By</b> DOC/ Craig Vruwink (608) 240-5415	<b>Authorized Signature</b> Anna Neal (608) 228-1331
<b>Date</b> 11/30/2023	

## Fiscal Estimate Narratives

DOC 11/30/2023

LRB Number	23-2180/1	Introduction Number	SB-0695	Estimate Type	Original
<b>Description</b> considering post-traumatic stress disorder as a mitigating factor in sentencing certain criminal offenders					

### 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 persons 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 FY23 annual cost for a person in our care (PIOC) in a DOC institution is approximately \$46,500. 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 \$10,100 based on FY23 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 FY23 annual cost to supervise one offender is approximately \$3,700.

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 FY23 annual cost to jail offenders is \$18,800.

### Long-Range Fiscal Implications