

Fiscal Estimate - 2021 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 21-1672/1	Introduction Number AB-0768
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Description
 considering post-traumatic stress disorder as a mitigating factor in sentencing certain criminal offenders

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input checked="" type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

Local:

<input type="checkbox"/> No Local Government Costs	5. Types of Local Government Units Affected	
<input checked="" type="checkbox"/> Indeterminate	<input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
1. <input checked="" type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	
<input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

CTS 12/15/2021

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Description 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 three general requirements: the protection of the public, the gravity of the offense, and the rehabilitative needs of the defendant, as well as other applicable mitigating factors or specific aggravating factors to the crime. The specific aggravating factors are outlined in current law. 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 sentencing decisions are used in determining whether a bifurcated sentence or probation is appropriate.

The costs to implement this bill are indeterminate at the state and local level. Judges would need to be familiar with the new mitigating factors to consider when making sentencing decisions, which would require additional judicial education or training.

Long-Range Fiscal Implications

None.