

Fiscal Estimate - 2007 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 07-0519/1		Introduction Number AB-0277	
Description			
Adjusting prison sentences for misdemeanors			
Fiscal Effect			
State:			
<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			
Local:			
<input checked="" type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input 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 5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts			
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
DOC 4/30/2007

LRB Number 07-0519/1	Introduction Number AB-0277	Estimate Type Original
Description Adjusting prison sentences for misdemeanors		

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person sentenced to a term of confinement for a misdemeanor (a crime for which the maximum term of confinement is one year or less) generally serves the term of confinement in a county jail or house of correction. A person serving a sentence for a felony in addition to a misdemeanor generally serves the sentence for the misdemeanor in prison. Also, a person serving a sentence for a misdemeanor that has been increased to more than one year due to application of a penalty enhancement statute serves the sentence in prison.

Under current law, a person serving a sentence for a Class F to a Class I felony may petition the court after serving 75 percent of the term of confinement for release on extended supervision. The sentence adjustment process does not apply to misdemeanor sentences.

This bill provides that a person serving a term of confinement in prison for a misdemeanor may also petition for sentence adjustment after serving 75 percent of the term of confinement.

As of December 31, 2006 there were 304 inmates who were serving terms of confinement strictly due to misdemeanor offenses. These inmates typically were serving terms of confinement for numerous misdemeanor offenses. It is possible for an inmate serving a term of confinement for concurrent sentences (two or more sentences served at the same time) to be granted a petition for each offense and as a result, a reduction in the term of confinement with a corresponding increase to the term of extended supervision. However, it is also possible for an inmate serving terms of confinement for numerous offenses to be serving consecutive sentences (two or more sentences served in sequence). In that case, a petition may be granted for each offense, but the inmate would not be released until the required 75% term is served for each sequential term of confinement.

The Department of Corrections cannot determine the fiscal impact of the proposed legislation. Currently, the number of inmates who petition the court for sentence adjustment is less than the total number of inmates eligible to petition the court for sentence adjustment. The number of inmates who would petition the court as a result of the proposed legislation is unknown. The rate at which petitions would be granted is indeterminate as well.

This bill will not have any impact upon county jails since the proposed bill pertains only to those misdemeanants who are serving a term of confinement in prison.

Long-Range Fiscal Implications