

Fiscal Estimate Narratives

DOC 7/5/2007

LRB Number	07-2726/1	Introduction Number	AB-0412	Estimate Type	Original
Description Crimes committed against individuals who are at least 65 years old and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

Under current law when a person commits a crime under certain circumstances, the crime committed may be subject to a penalty enhancement.

This bill creates a new penalty enhancement when a person commits a crime against another person who is age 65 or older at the time the crime was committed. The penalty enhancement for this bill would follow the penalty enhancements for "hate crimes" as follows: a) If the crime committed is normally a Class B or C misdemeanor, the crime will remain a misdemeanor; however, the maximum term of imprisonment would increase to one-year from 90 days and 30 days, respectively, b) If the crime committed is normally a Class A misdemeanor, the crime will be enhanced to a felony charge and the term of imprisonment will increase from nine months to two years, c) If the crime is already a felony, the term of imprisonment may be increased up to five years.

The FY06 annual cost for an inmate in a DOC institution is approximately \$27,600. 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 inmates is approximately \$4,500, based on FY06 costs. When there is no excess capacity in DOC facilities, as is currently the case, the Department uses contract beds at rate of \$18,800 annually per person.

The Department of Corrections is unable to estimate the number of offenders who may be subject to the criminal penalty provisions of this bill. The state fiscal impact is dependent on whether an offender serves a longer period of imprisonment than he or she would have under existing criminal penalties. There will be increased state costs if a crime is raised from a Class A misdemeanor to a felony.

A local impact will occur if an offender sentenced under the provisions of this bill serves a longer term in the county jail. However, this may be partially offset if some offenders are subject to a felony conviction with a prison term, instead of county jail time for a misdemeanor conviction.

Long-Range Fiscal Implications