

### Fiscal Estimate - 2009 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 09-1384/1	<b>Introduction Number</b> SB-101
<b>Description</b> Battery to a highway construction or maintenance worker and providing a penalty	
<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"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <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 <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input checked="" type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <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 checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</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>Affected Ch. 20 Appropriations</b>	
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>
DOC/ Sue Loniello (608) 240-5524	Robert Margolies (608) 240-5056
<b>Date</b>	
3/16/2009	

**Fiscal Estimate Narratives**

**DOC 3/16/2009**

LRB Number	<b>09-1384/1</b>	Introduction Number	<b>SB-101</b>	Estimate Type	<b>Original</b>
<b>Description</b> Battery to a highway construction or maintenance worker and providing a penalty					

**Assumptions Used in Arriving at Fiscal Estimate**

Under current law, causing bodily harm to another person is a Class A misdemeanor and carries a maximum term of nine months in jail. Current law increases this penalty to a Class I felony (maximum of 1.5 years confinement and 2 years of extended supervision), if the battery is against emergency care providers or certain other government officials and employees.

This bill adds highway construction and maintenance workers to the individuals who would be covered under the Class I felony penalty. Although the Department cannot predict the number of offenders who may be subject to these enhanced criminal penalties or what the judges sentencing practices will be, enactment of this legislation could result in increased costs to the Department, if offenders who were previously sentenced for a Class A misdemeanor are now sentenced to prison for a Class I felony.

In FY08 the annual cost of an inmate in a DOC institution was approximately \$30,300. 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 was approximately \$4,600, in FY08. When there is no excess capacity in DOC facilities, as is currently the case, the Department uses contract beds at a rate of \$18,800 annually per person. The annual cost for community supervision was \$2,400 in FY08.

Local county jails could see a decrease in costs if offenders who were previously sentenced to up to nine months in county jails are now sentenced to prison.

**Long-Range Fiscal Implications**