

Fiscal Estimate - 2011 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 11-3619/1		Introduction Number SB-350	
Description Increased penalty for repeated domestic abuse offenses and providing a penalty			
Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect <input checked="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 type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
Local:			
<input type="checkbox"/> No Local Government Costs <input checked="checked" type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase 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="checked" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenue <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

DOC 1/4/2012

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Description Increased penalty for repeated domestic abuse offenses and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, if a person is arrested for a domestic abuse crime and commits a second domestic abuse crime (against the same victim or a different victim) within 72 hours after being arrested for the first crime, the person's maximum term of imprisonment for the second crime may be increased by up to two years. Additionally, the penalty increase changes the status of the second crime from a misdemeanor to a felony.

Under this bill, the same increase in the term of imprisonment and the same change from a misdemeanor to a felony also applies to a person who was convicted on two separate occasions, of a felony or a misdemeanor for which a court imposed a domestic abuse surcharge during the ten-year period immediately prior to the commission of the crime for which the person presently is being sentenced.

There would be a state fiscal impact if some individuals who currently are penalized as committing a misdemeanor offense (a misdemeanor domestic abuse crime occurring later than 72 hours after arrest for an initial domestic abuse crime) would instead be considered as committing a felony offense under this bill. State costs may result from an offender receiving a prison term, or placement of an offender onto probation.

It is not possible to determine how many individuals will be penalized for repeat domestic abuse crimes as defined in this bill, or what type of prison or probation term they would receive. Therefore, a state fiscal impact cannot be estimated. The average FY11 annual cost for an inmate in a DOC institution is approximately \$33,500. 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 inmates is approximately \$5,200, based on FY11 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person. The average FY11 annual cost to supervise one offender in the community is approximately \$2,900.

Local county jail costs would similarly decrease if offenders who would have been sentenced to jail are instead sentenced to prison. A local fiscal impact cannot be estimated as well, due to reasons indicated above.

Long-Range Fiscal Implications