

Fiscal Estimate Narratives

DOC 11/13/2017

LRB Number	17-4477/1	Introduction Number	AB-0597	Estimate Type	Original
Description the possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a criminal penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person is prohibited from possessing a firearm if he or she has been convicted of a felony, found not guilty of a felony by reason of mental disease or defect, or adjudicated delinquent for an act that if committed by an adult in this state would be a felony. Federal law prohibits a person who is convicted of a misdemeanor crime of domestic violence from possessing a firearm.

Under this bill, state law would also prohibit a person from possessing a firearm if they have been convicted of a misdemeanor crime of domestic violence, or were found not guilty of that crime by reason of mental disease or defect. A person who violates this prohibition is guilty of a Class G felony.

The Department of Corrections (DOC) is unable to estimate the state fiscal effect of this bill, as it is unable to estimate how many individuals will be subject to the bill's new criminal penalty provisions. The precise cost of this legislation will ultimately depend on the number of offenders and the sentencing practices of judges.

DOC is not able to determine the total number of offenders who were convicted of a "misdemeanor crime of domestic violence", as defined by this bill, because in most cases it is not possible to determine whether a conviction was related to a domestic situation. DOC was, however, able to determine that there were 37 convictions of Wis. Stat. ss. 940.19(1) by domestic abuse repeaters, and 60 convictions of Wis. Stat. ss. 947.01(1) by domestic abuse repeaters, by 70 unique offenders with conviction dates between July 1, 2016 and June 30, 2017. 27 of these offenders were given prison commitments, and 43 were given probation commitments.

The average FY16 annual cost for an inmate in a DOC institution is approximately \$32,300. 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 is approximately \$5,700 based on FY16 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

If there is a large increase in the number of offenders placed on probation or extended supervision or their time on supervision is extended as a result of this bill, additional community corrections funding and/or positions may be necessary to handle the population. The average FY16 annual cost to supervise one offender is approximately \$3,000.

The local fiscal impact of the bill cannot be predicted because the Department of Corrections cannot predict the number of people that will be sentenced and the sentencing practices of judges under the new law. Costs at the local level may increase if offenders are placed in jail rather than prison. The average FY16 annual cost to jail an adult inmate was \$18,800.

Long-Range Fiscal Implications