

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5556-01
Bill No.: SB 931
Subject: Children and Minors; Crimes and Punishment; Courts; Criminal Procedure;
 Corrections Department; Probation and Parole; Prisons and Jails; Sexual Crimes
Type: Original
Date: February 15, 2016

Bill Summary: This proposal modifies sentences and supervision provisions for offenders of sex crimes against children.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on General Revenue	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Oversight was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

Officials from the **Office of the State Public Defender** and the **Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

Oversight assumes the proposal could have an impact on the Department of Corrections and perhaps the Department of Mental Health. Without responses from the impacted state agencies, Oversight will assume a \$0 or Unknown amount of costs to those agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (6 Mo.)	FY 2018	FY 2019
GENERAL REVENUE			
<u>Costs</u> - Department of Corrections and/or Department of Mental Health			
- potential additional costs related to the incarceration/supervision of offenders of sex crimes against children	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (6 Mo.)	FY 2018	FY 2019
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Under current law, incarceration in a Department of Corrections' 120-day program is not considered a prior prison commitment for purposes of a statute requiring extended prison terms for repeat offenders. This act provides that incarceration in a 120-day program is to be considered a prior prison commitment if the offender was in the program as a result of being found guilty of a sexual offense against a child under the age of 17.

Current law provides that offenders found guilty of certain sex offenses must be supervised for life, except the Board of Probation and Parole or the court may terminate the lifetime supervision of an offender who is 65 years old or older. This act provides that the lifetime supervision of offenders who committed their offense against a child under the age of 17 may not be terminated under this provision.

This act prohibits the granting of probation, and the issuance of a suspended imposition of sentence or a suspended execution of sentence, to an offender found guilty of a sex offense against a child under the age of 17.

Under this act, offenders who previously have been found guilty of sex offenses against children under the age of 17 are added to the definitions of "persistent sexual offender" and "predatory sexual offenders". This act specifies the minimum prison terms for those who are considered "predatory sexual offenders" as a result of being found guilty of sex crimes against children under the age of 17.

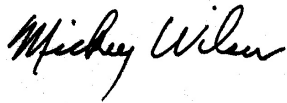
The provisions of this act take effect January 1, 2017.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Office of the State Public Defender
Office of Prosecution Services



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February 15, 2016

Ross Strobe
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February 15, 2016