



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2009 Biennium

**Bill #** SB0154

**Title:** Revise law on sexual predators

**Primary Sponsor:** Laible, R.

**Status:** As Introduced

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Significant Local Gov Impact     | <input checked="" type="checkbox"/> Needs to be included in HB 2  | <input type="checkbox"/> Technical Concerns              |
| <input type="checkbox"/> Included in the Executive Budget | <input checked="" type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

### FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
<b>Expenditures:</b>				
General Fund	\$702,158	\$1,569,997	\$2,477,067	\$3,347,031
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance</b>	<u>(\$702,158)</u>	<u>(\$1,569,997)</u>	<u>(\$2,477,067)</u>	<u>(\$3,347,031)</u>

### Description of fiscal Impact:

This bill mandates a term of 25 years to life in prison for someone convicted of certain sex offenses. It also mandates probation supervision for life if the prison sentence is less than life. The second conviction of any of these sex offenses requires a sentence of life in prison without parole. This bill also allows for the use of medroxyprogesterone acetate treatment on sex offenders being released from confinement.

### FISCAL ANALYSIS

#### Assumptions:

#### **Department of Corrections (DoC)**

1. This law imposes a mandatory minimum term of 25 years for those convicted of certain sex crimes.
2. An increase in cost will occur in the first five years due to probationers who will be sentenced to prison on the first offense under this bill. The Department of Corrections estimates 32 probationers will be sentenced to prison in FY 2008 and an additional 32 in FY 2009, 2010, and 2011. Using current DOC figures, the FY 2008 cost is estimated to be \$492,157.68, \$1,359,997.24 in FY 2009, \$2,267,066.76 in FY 2010 and \$3,137,030.96 in FY 2011.

3. The current average sentence for offenders convicted of sex offenses is five years. An additional increase in cost for offenders already in prison for these offenses will occur after five years. Lifetime probation will not occur until 2033.
4. This bill contains permissive language for the use of medroxyprogesterone acetate treatment so it is difficult to quantify additional costs. The injectable form of medroxyprogesterone acetate costs \$33.98 per injection and the treatment occurs every 7 days. Treatment would continue for as long and DoC deems necessary. Currently the DoC does not use this form of treatment on sex offenders.

**Office of the Public Defender (OPD)**

5. It is assumed that there would be 100 cases per year that would require the services of the OPD due to this legislation.
6. It is assumed that 35 hours of attorney time would be required for each case at \$60 per hour.
7. Based on the assumptions above for OPD, the potential fiscal impact to the general fund in the OPD is estimated at \$210,000 per year (100 cases x 35 hours x \$60/hr.).

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
<b><u>Fiscal Impact:</u></b>				
<b><u>Expenditures:</u></b>				
Operating Expenses - DoC	\$492,158	\$1,359,997	\$2,267,067	\$3,137,031
Operating Expenses - OPD	\$210,000	\$210,000	\$210,000	\$210,000
<b>TOTAL Expenditures</b>	<u>\$702,158</u>	<u>\$1,569,997</u>	<u>\$2,477,067</u>	<u>\$3,347,031</u>
<b><u>Funding of Expenditures:</u></b>				
General Fund (01)	\$702,158	\$1,569,997	\$2,477,067	\$3,347,031
<b><u>Revenues:</u></b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b>				
General Fund (01)	(\$702,158)	(\$1,569,997)	(\$2,477,067)	(\$3,347,031)

**Long-Range Impacts:**

1. The long-term impact of sentencing sex offenders to a minimum 25 year sentence is \$13,228,009 by FY 2017.

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Sponsor's Initials

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Date

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Budget Director's Initials

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Date