

**STATE
FISCAL IMPACT**

Drafting Number: LLS 13-0753 **Date:** February 12, 2013
Prime Sponsor(s): Rep. Wright; Nordberg **Bill Status:** House SVMA
Fiscal Analyst: Kerry White (303-866-3469)

TITLE: CONCERNING HUMAN TRAFFICKING, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015	FY 2017-2018	FY 2018-2019
State Revenue Cash Funds Fines Collection Cash Fund	Potential increase. See State Revenue section.			
State Expenditures General Fund			\$1,162	\$20,816
FTE Position Change				
Effective Date: August 7, 2013, if the General Assembly adjourns on May 8, 2013, as scheduled, and no referendum petition is filed.				
Appropriation Summary for FY 2013-2014: None required.				
Local Government Impact: None.				

Summary of Legislation

This bill increases the penalty for criminal attempt, conspiracy, or solicitation to commit trafficking in adults and children. Under current law, these offenses are charged as one felony class below the penalty for the crime. This bill would require equal sentences for the actual crime, or criminal attempt, conspiracy, or solicitation to commit trafficking. The proposed changes in penalties and sentencing are shown in Table 1.

Crime	Current Penalty	Proposed Penalty
Criminal attempt, conspiracy, or solicitation to commit trafficking of adults	Class 4 felony 2-6 years	Class 3 felony 4-12 years
Criminal attempt, conspiracy, or solicitation to commit trafficking of illegal adults	Class 3 felony 4-12 years	Class 2 felony 8-24 years
Criminal attempt, conspiracy, or solicitation to commit trafficking of children	Class 3 felony 4-12 years	Class 2 felony 8-24 years

State Revenue

Beginning in FY 2013-14, this bill could increase state revenue by a minimal amount. By raising the felony level of certain crimes, they are subject to a potential increase in the amount of fines. Crimes that are currently a class 4 felony may be subject to fine of \$2,000 to \$500,000, whereas the new penalty would be a class 3 felony, which may be subject to a fine of \$3,000 to \$750,000. Crimes that are currently a class 3 felony will become a class 2 felony, which may be subject to a fine of \$5,000 to \$1 million. Because there has only been one conviction of trafficking in recent years and fines are imposed at the discretion of the court, this analysis assumes any potential increase in state revenue will be minimal. Fines are credited to the Fines Collection Cash Fund in the Judicial Department.

State Expenditures

This bill is anticipated to increase state General Fund expenditures in the Department of Corrections (DOC) by an estimated \$21,978 every five years. This would result in an increase in expenditures of \$1,162 in FY 2017-18 and \$20,816 in FY 2018-19. This increase is based on one offender every five years serving a longer prison sentence. Currently, the estimated length of stay for an offender charged with a class 3 felony is 59.3 months, which would increase to 80.5 months as a class 2 felony, assuming no other changes in parole (i.e. parole granted at the same rate as it is currently granted).

Current law prohibits the General Assembly from passing any bill to increase periods of imprisonment in state correctional facilities without appropriating an amount sufficient to cover the increased capital construction and operating costs of the bill in each of the first five fiscal years. However, current law also allows the DOC to place offenders classified as medium custody and below in private contract prisons, for which no state capital construction costs are incurred.

Offenders sentenced under this bill to DOC may be placed in either a state-run or a private contract prison, depending on several factors. Any offenders that *must* be housed in a state-run prison will likely require a shift of other inmates in that facility to private contract prisons. Therefore, this fiscal note assumes that the impact of this bill will be accommodated through the use of private contract prisons, and that no new capital construction funds are necessary.

Offenders placed in a private contract prison cost the state about \$57.03 per offender per day, including the current daily rate of \$52.69 and an estimated \$4.34 per offender per day for medical care provided by the DOC. Table 2 shows the estimated cost of the bill over the next six fiscal years (in order to show the full impact).

Table 2. Six-Year Fiscal Impact On Correctional Facilities				
Fiscal Year	Inmate Bed Impact	Construction Cost	Operating Cost	Total Cost
FY 2013-14	0.0	\$0	\$0	\$0
FY 2014-15	0.0	0	0	0
FY 2015-16	0.0	0	0	0
FY 2016-17	0.0	0	0	0
FY 2017-18	0.1	0	1,162	1,162
FY 2018-19	1.0	0	20,816	20,816
Total		\$0	\$21,978	\$21,978

Departments Contacted

Corrections
Local Affairs

District Attorneys
Public Safety

Judicial