

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING THE CREATION OF THREE MANDATORY MINIMUM PRESUMPTIVE RANGES FOR DEFENDANTS CONVICTED OF A FELONY SEX OFFENSE INVOLVING INTRUSION AGAINST A CHILD WHO IS UNDER TWELVE YEARS OF AGE WHEN THE ADULT DEFENDANT IS AT LEAST TEN YEARS OLDER THAT HAS ONE OF THE RANGES STARTING AT TEN YEARS AS THE MINIMUM IN THE RANGE, AND, IN CONNECTION THEREWITH, CREATING AN INDETERMINATE LIFETIME SENTENCE WITH A MANDATORY MINIMUM PRESUMPTIVE RANGE OF TEN TO SIXTEEN YEARS FOR A CLASS 4 FELONY; A MANDATORY MINIMUM PRESUMPTIVE RANGE OF EIGHTEEN TO THIRTY-TWO YEARS FOR A CLASS 3 FELONY; AND A MANDATORY MINIMUM PRESUMPTIVE RANGE OF TWENTY-FOUR TO FORTY-EIGHT YEARS FOR A CLASS 2 FELONY.

Prime Sponsors: Representative Foote
Senator Johnston

JBC Analyst: Steve Allen
Phone: 303-866-2061
Date Prepared: March 12, 2014

Fiscal Impact of Bill as Amended to Date

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 02/21/14.

XXX	No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	Update: Fiscal impact has changed due to <i>new information or technical issues</i>
	Update: Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	Non-Concurrence: JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

The House State, Veterans, and Military Affairs Committee Report (03/03/14) includes amendments that added a legislative declaration to the bill. Legislative Council Staff and JBC Staff agree that the committee amendments do not change the fiscal impact of the bill.

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
None	

Current Appropriations Clause in Bill

The bill neither requires nor contains an appropriation clause for FY 2014-15; nor does it require a 5 year sentencing clause.

Points to Consider

Future Fiscal Impact

The fiscal impact of this bill will begin in approximately FY 2019-20 when the first offenders convicted under this law will reach a point where they may have been released had they been convicted under existing law but will not be released under this law. Those convicted of class 4 felonies will find the expected length of their prison stay increased by an estimated 194 percent. Those with class 3 felony convictions will find the expected length of their prison stay increased by an estimated 188 percent. The Legislative Council Staff Fiscal Note assumes that 35 people per year will be sentenced to serve longer sentences. If all 35 were convicted of the lower class 4 felonies and their average length of stay rose 194 percent, the average daily prison population would eventually rise by about 300 offenders. If all were placed in private prisons at the current average cost of \$21,484 annually, they would collectively cost about \$6.4 million annually.