

**JBC STAFF FISCAL ANALYSIS  
SENATE 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

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**Fiscal Impact of Bill as Amended to Date**

The most recent Legislative Council Staff Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 03/27/14.

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

**Amendments in This Packet for Consideration by Appropriations Committee**

<b>Amendment</b>	<b>Description</b>
J.002	Staff-prepared appropriation amendment

**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. However, Section 3 of the bill contains a potential appropriation clause.

**Description of Amendments in This Packet**

**J.001** Staff has prepared amendment **J.002** (attached) to remove the potential appropriation clause from the bill.

**Points to Consider**

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*Future Fiscal Impact*

The fiscal impact of this bill will begin in approximately FY 2019-20 when the first offenders convicted under this law 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 Revised 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 per year.