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FISCAL IMPACT REPORT

SPONSOR: Martinez DATE TYPED: 03/13/01 HB 460/aSJC
 SHORT TITLE: Battery Against a Household Member Penalties SB _____
 ANALYST: Rael

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
		See Narrative		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)
 Corrections Department (CD)
 Administrative Office of the District Attorneys (AODA)
 Public Defender Department (PDD)

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee Amendment would allow battery that causes painful temporary disfigurement or temporary loss or impairment of bodily functions to continue to be characterized as aggravated battery.

Synopsis of Original Bill

The Battery Against a Household Member Penalties bill amends Section 30-3-15 to provide that battery against a household member is a misdemeanor instead of a petty misdemeanor. Battery causing a painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ would no longer be characterized as an aggravated battery, but it would continue to carry the same penalty of a misdemeanor offense.

Significant Issues

The debate appears to be whether quick penalties or harsh penalties have a greater deterrence effect on the domestic violence problem.

FISCAL IMPLICATIONS

The Corrections Department reports that since there is a large number of battery against a household member offenses each year, the cost increase will be significant.

The cost per client in Probation and Parole for a standard supervision program is \$1,536 per year. The cost per client in Intensive Supervision programs is \$3,922 per year. The cost per client in Department-Operated Community Corrections programs is \$5,519 per year. The cost per client in Privately-Operated Community Corrections programs is \$10,724 per year. However, there will be a minimal increase in revenue due to additional probation supervision fees being collected.

It will cost the judicial information system \$400 for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws, and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

OTHER SUBSTANTIVE ISSUES

The Administrative Office of the District Attorney suggests that aggravated battery against a household member with no great bodily harm (but with injury), as currently defined in Section 30-3-16(B), should be a fourth degree felony. A petty misdemeanor crime for domestic violence may have only nominal deterrence effects. Increasing the penalty for domestic violence offenses allows more time to treat offenders and victims during probation periods. Treatment can be very successful in such cases, but the period of probation must be long enough to allow success.

However, the Public Defender Department would object. The Public Defender believes that in domestic violence situations, immediate consequences are necessary. Jail immediately is preferable to jail months later. Jail at every instance of violence rather than jail on the fourth police call is preferable. The speed with which the system operates is critical. The Public Defender believes that increasing penalties, particularly when crimes are shifted from misdemeanor courts to felony courts, actually slows down the legal system.

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