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FISCAL IMPACT REPORT

SPONSOR Garcia DATE TYPED 02-10-04 HB _____

SHORT TITLE Domestic Violence As Serious Violent Offense SB 77

ANALYST Reynolds-Forte

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			See Narrative	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 65 and SB 549

SOURCES OF INFORMATION

LFC Files

Responses Received From

Corrections Department

Administrative Office of the Courts

SUMMARY

Synopsis of Bill

Senate Bill 77 makes mandatory that third degree aggravated battery against a household member be treated as a serious violent offense allowing only 4-days a month for good time rather than day for day, or 30 days for each month, as currently credited.

The bill also adds fourth degree aggravated assault against a household member and third degree assault against a household member with intent to commit a violent felony to the list of offenses that the judge can, at their discretion, name as a serious violent offense.

FISCAL IMPLICATIONS

There is no appropriation in Senate Bill 77. There are approximately 200 prisoners presently in-

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carcerated for this offense. Passage of Senate Bill 77 will impact the Corrections Department because these inmates will serve longer time in prison, thus increasing costs to the Corrections Department.

The contract/private prison annual costs of incarcerating an inmate based upon Fiscal Year 03 actual expenditures is \$20.7 thousand per year for males. The cost per client to house a female inmate at a privately operated facility is \$26.3 thousand per year. Because state owned prisons are essentially at capacity, any net increase in inmate population will be housed at a contract/private facility.

ADMINISTRATIVE IMPLICATIONS

The Corrections Department believes Senate Bill 77 will impact them both in the short term and the long term. The longer sentences will result in an increase in the administrative burden upon prison staff and support staff.

The Administrative Office of the Courts believes the reduction in earning meritorious good time will substantially increase the time a prisoner must serve before release. In essence, the punishment has been increased by up to 26 days per month sentenced. Because of the substantial increase in actual time served, these cases may become more complex, pleas may be more difficult to negotiate, and more trials may occur. Resolution of these cases may take more time.

RELATIONSHIP

Senate Bill 77 relates to House Bill 65 and Senate Bill 549 which increases penalties for domestic violence.

PRF/dm