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## FISCAL IMPACT REPORT

SPONSOR: Foley DATE TYPED: 2/25/03 HB 866  
 SHORT TITLE: Increase Child Abuse Penalties SB \_\_\_\_\_  
 ANALYST: Maloy

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI		See Narrative		

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with SB 326.

### SOURCES OF INFORMATION

Responses Received From  
 Administrative Offices of the Courts  
 Corrections Department

### SUMMARY

#### Synopsis of Bill

House Bill 866 adds penalties to current child abuse law, including:

- A person who commits abuse of a child that does not result in the child’s death or great bodily harm, by allowing the child to enter or remain in a building or motor vehicle that contains chemicals or equipment used for the manufacture of a controlled substance, is guilty of a second degree felony; and
- Upon a second or subsequent conviction, the person is guilty of a first degree felony.

### FISCAL IMPLICATIONS

There is no direct fiscal impact for the state with the adoption of these heightened penalties. However, there will likely exist secondary costs as follows:

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- Heightened penalties often result in fewer plea bargains. This impacts the courts, public defenders and district attorneys offices.
- Children, Youth and Families Department may find itself in the position of trying to place additional children with relatives, or in foster care.
- The Corrections Department will likely experience a rise in the number of inmates, and in the length of time they are to be incarcerated.

**SJM/prr/njw**