

Fiscal Estimate - 2023 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 23-5059/1	Introduction Number AB-0972
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Description
 solicitation for prostitution and providing a penalty

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By	Authorized Signature	Date
DOC/ Ben Eidler (608) 240-5045	Anna Neal (608) 228-1331	2/19/2024

Fiscal Estimate Narratives

DOC 2/19/2024

LRB Number	23-5059/1	Introduction Number	AB-0972	Estimate Type	Original
Description solicitation for prostitution and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who intentionally solicits a person who is at least 18 to practice prostitution or establishes a person who is at least 18 in a place of prostitution is guilty of a Class H felony. This bill increases the penalty to a Class G felony, which is punishable by a term of imprisonment not to exceed 10 years.

Under current law, there is no mandatory minimum term of confinement in prison for this crime. The bill imposes a mandatory minimum term of confinement in prison for a person who is convicted of soliciting a prostitute, and the mandatory minimum applies whether the person solicited is an adult or a child. The minimum term imposed depends on the number of convictions for solicitation that the person has. For a first offense, the mandatory minimum is either six months or, if the person completes a treatment and education program approved by the court, three months. For a second offense, the mandatory minimum is either 12 months or, if the offense follows the completion of the treatment and education program for the first offense, 12 months plus the reduction for completing the program. For a third offense, the mandatory minimum is two years. For a fourth or subsequent offense, the mandatory minimum is three years.

The Department of Corrections (DOC) is unable to estimate the state fiscal effect of this bill, as it is unable to estimate how many individuals will be subject to the bill's new criminal penalty provisions. The precise cost of this legislation will ultimately depend on the number of offenders and the sentencing practices of judges, as well as client willingness to participate in and court approval of treatment and education programs. Additionally, DOC is unable to estimate how many prior convictions of Wis. Stat. ss. 944.32 or 948.08 an individual may have.

DOC was able to determine that, as of 11/30/2023, there were 45 Division of Adult Institutions (DAI) persons in our care (PIOC) and 37 Division of Community Corrections (DCC) clients who had at least one count of an offense under either 944.32 or 948.08. Of the 45 DAI PIOC, two were convicted of a 944.32 or 948.08 offense prior to their current conviction. Of the 37 DCC clients, one had one count of an offense under 944.32 or 948.08 prior to their current conviction and one had two counts of an offense under 944.32 or 948.08. For the 45 DAI PIOC, the average sentence to confinement is 7.9 years and the average sentence to supervision is 4.0 years, which results in an average total sentence of 11.9 years. For the 37 DCC clients, the average sentence to confinement is 2.9 years and the average sentence to supervision is 5.2 years, which results in an average total sentence of 8.1 years.

Any increase in sentence length as a result of the mandatory minimum sentence requirement would increase costs to DOC, while individuals who complete a treatment and education program could have their sentence lengths reduced, which would decrease costs for DOC.

The average FY23 annual cost for a PIOC in a DAI institution is approximately \$46,500. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$10,100 based on FY23 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

State costs could change if an increased or decreased number of clients are convicted of this crime and placed on probation. The average FY23 annual cost to supervise one client is approximately \$3,700.

The local fiscal impact of the bill cannot be predicted because DOC cannot predict the number of people that will be sentenced and the sentencing practices of judges under the new law. County jails could experience increased or decreased costs, as individuals may be sentenced to jail as a condition of probation, and individuals with a confinement sentence under one year would be placed in a county jail and not a prison. The average FY23 annual cost to jail a person in our care is \$18,800.

Long-Range Fiscal Implications