

BILL SUMMARY
2nd Session of the 59th Legislature

Bill No.: HB3992
Version: FA1
Request Number: 10689
Author: Fetgatter
Date: 3/6/2024
Impact: Average per Conviction Cost: \$28,676.86
Max Cost Aggregate: \$129,074,544.08

Research Analysis

FA1 to HB 3992 creates Knights Law. The measure requires persons convicted of rape in the first degree, child sexual abuse, lewd or indecent proposals to a child, child pornography or aggravated child pornography, child prostitution, or human trafficking of a minor for commercial sex to serve 100 % of any sentence imposed. The measure provides that a persons convicted of human trafficking of a person under the age of 18 for the purpose of commercial sex, child sexual abuse, procuring a minor for child pornography or possession of child pornography, child prostitution, or rape in the first be punishable by life in prison without the possibility of parole. The measure creates a rebuttable presumption that no condition of release would assure the safety of the community if the state shows by clear and convincing evidence that the person, at the time of the offense, was a registered sex offender and was arrested for a sex crime. The measure prohibits the application of earned credits for inmates serving sentence for rape in the first degree, child sexual abuse, child pornography or aggravated child pornography, child prostitution, or human trafficking.

Changes made in the Floor Substitute clarify the terms of punishment.

Prepared By: Brad Wolgamott

Fiscal Analysis

The FA1 to HB3992 modifies the sentencing range for various child sex crimes, and would require that persons sentenced for such crimes serve 100% of any sentence imposed, up from the current mandatory 85%. In consultation with officials from the Department of Corrections (DOC), the cost analysis of this measure is as follows:

Incarceration and sentencing data for crime sentences modified by HB3992 can be found in the

Statute	Sentence Description	Number of Inmates	Number of Inmates with Life/LWOP	Average Sent Length (years)	85% of Average Sentence Length (years)	Increase in Sentence Length from mandatory 85% to 100% of Avg. Sentence Length (years)
21-1021.2	Procure/Produce/Dist/Poss Juv Pornography	374	5	15.85	13.47	2.38
21-1021.3	Parent Consent To Juvenile Pornography	5	1	13.86	11.78	2.08
21-1024.1	Child Pornography	82	2	14.99	12.74	2.25
21-1024.2	Child Pornography	21	0	13.06	11.1	1.96
21-1030	Child Prostitution	4	1	8.60	7.31	1.29
21-1040.12a	Agg Poss Child Porn	207	12	20.24	17.2	3.04
21-1111	Rape Defined	31	7	57.03	48.47	8.56
21-1114(A)	Rape First Degree	127	16	31.75	26.98	4.77
21-1115	Rape - First Degree	1206	236	46.87	39.83	7.04
21-1123(A)	Lewd Or Indecent Proposals/Acts To Child	1753	95	20.29	17.24	3.05
21-748	Human Trafficking	29	1	12.85	10.92	1.93
21-843.5(E)	Child Sexual Abuse	646	96	24.56	20.87	3.69
21-843.5(F)	Child Sexual Abuse - Child Under 12	16	1	16.68	14.17	2.51

following table:

Notes:

INC population as of 2/18/2024

1. Number of Inmates and Number of Inmate with Life/LWOP

Inmates who have two different statutes will be counted twice.

Inmates who have more than one sentence but all under the same statute will be counted once.

2. Avg Sent Length excludes Life/LWOP

3. Avg Sent Length served as of 2/18/2024. Excludes Life/LWOP, and sentences that have not started.

By using a weighted average to account for the varying number of inmates with different increased sentence lengths, there is a weighted average increase in time served of 4.21 years across all sentences. Given the \$6,811.85 FY23 Annual Cost of Incarceration, there is a weighted average cost increase of \$28,676.86 per inmate that is sentenced for an HB3992 crime.

Statute	Sentence	% of Inmates with sentence	Weighted increase in time served (years)
21-1021.2	Procure/Produce/Dist/Poss Juv Pornography	8.31%	0.198
21-1021.3	Parent Consent To Juvenile Pornography	0.11%	0.002
21-1024.1	Child Pornography	1.82%	0.041
21-1024.2	Child Pornography	0.47%	0.009
21-1030	Child Prostitution	0.09%	0.001
21-1040.12a	Agg Poss Child Porn	4.60%	0.140
21-1111	Rape Defined	0.69%	0.059
21-1114(A)	Rape First Degree	2.82%	0.135
21-1115	Rape - First Degree	26.79%	1.886
21-1123(A)	Lewd Or Indecent Proposals/Acts To Child	38.95%	1.188
21-748	Human Trafficking	0.64%	0.012
21-843.5(E)	Child Sexual Abuse	14.35%	0.530
21-843.5(F)	Child Sexual Abuse - Child Under 12	0.36%	0.009
Weighted Average Increase in Time Served (years)			4.21
Annual Cost of Incarceration			\$6,811.85
Weighted Average Cost Increase per Inmate			\$28,676.86

Based on current sentencing data for OS 21-1021.2, the 2.38 year increase in time served for this crime multiplied by the \$6,811.85 Annual Cost of Incarceration results in a projected cost increase of \$16,212.20 for one inmate serving this increased sentence length. Given the 374 inmates currently incarcerated for this crime, there would be a projected aggregate cost increase of \$6,063,363.92 for OS 21-1021.2 sentences. Applying this same type of calculation to all of the crimes in HB3992, there is a projected maximum cost aggregate of \$129,074,544.08 for longer sentence lengths pursuant to HB3992.

Statute	Sentence	Number of Inmates	Current average sentence length (years)	85% of current average sentence length (years)	Increase in sentence length from 85% to 100% time served (years)	Total cost increase per inmate over life of sentence (\$6,811.85 * Increase in time served)	Total cost increase over life of all sentences for this crime (\$6,811.85 * increased time served * # inmates)
21-1021.2	Procure/Produce/Dist/Poss Juv Pornography	374	15.85	13.47	2.38	\$16,212.20	\$6,063,363.92
21-1021.3	Parent Consent To Juvenile Pornography	5	13.86	11.78	2.08	\$14,168.65	\$70,843.24
21-1024.1	Child Pornography	82	14.99	12.74	2.25	\$15,326.66	\$1,256,786.33
21-1024.2	Child Pornography	21	13.06	11.10	1.96	\$13,351.23	\$280,375.75
21-1030	Child Prostitution	4	8.60	7.31	1.29	\$8,787.29	\$35,149.15
21-1040.12a	Agg Poss Child Porn	207	20.24	17.20	3.04	\$20,708.02	\$4,286,560.97
21-1111	Rape Defined	31	57.03	48.47	8.56	\$58,309.44	\$1,807,592.52
21-1114(A)	Rape First Degree	127	31.75	26.98	4.77	\$32,492.52	\$4,126,550.61
21-1115	Rape - First Degree	1206	46.87	39.83	7.04	\$47,955.42	\$57,834,241.34
21-1123(A)	Lewd Or Indecent Proposals/Acts To Child	1753	20.29	17.24	3.05	\$20,776.14	\$36,420,577.80
21-748	Human Trafficking	29	12.85	10.92	1.93	\$13,146.87	\$381,259.24
21-843.5(E)	Child Sexual Abuse	646	24.56	20.87	3.69	\$25,135.73	\$16,237,679.32
21-843.5(F)	Child Sexual Abuse - Child Under 12	16	16.68	14.17	2.51	\$17,097.74	\$273,563.90
						Maximum Cost Aggregate for longer sentence lengths pursuant to HB3992	\$129,074,544.08

Prepared By: Robert Flipping IV, House Fiscal Staff

Other Considerations

None.