

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 52<sup>nd</sup> Legislature

<b>Bill No.:</b>	<b>SB2018</b>
<b>Version:</b>	<b>Engrossed</b>
<b>Author:</b>	<b>Representative Johnson Senator Sykes</b>
<b>Date:</b>	<b>3/12/2010</b>
<b>Impact:</b>	<b>Increase In Prison Costs Dependent Upon the Number of Adjudicated Cases</b>

**Bill Summary**

Research Analyst: Dante Giancola

The engrossed version of SB2018 amends the crime and punishments section of statutes in the following ways:

- adds assault and battery upon a peace officer to the list of crimes that require 85 percent of the sentence to be served;
- increases the penalty from 1 year in prison to 5 years in prison for aiding or soliciting gang membership, and from five years in prison to ten years in prison for second and subsequent offenses;
- creates a new crime for gang-related offenses as a condition of membership, with the penalty being 5 years incarceration; and
- requires a school employee to notify their superintendant of suspected gang involvement.

The title is off the bill.

**Fiscal Summary**

Fiscal Analyst: Marilyn Anderson

SB2018 adds the crime of aggravated assault and battery upon a peace officer to the list of crimes that requires those convicted to serve eighty-five percent of their sentence before becoming eligible for earned credits or consideration for parole. The measure increases the penalty for recruiting a minor to join a criminal street gang from up to one year imprisonment to up to five years imprisonment for a first offense and five to ten years for a second or subsequent offense. The measure adds an additional five years to any sentence if a crime was committed in association with a criminal street gang. The measure also requires school employees to notify the superintendent if they have reason to believe that a student is involved in gang activity.

**Fiscal Analysis**

The punishment for aggravated assault and battery upon a peace officer is up to five years imprisonment or up to one year in the county jail. The current cost of incarceration is approximately \$56 per day and most prisoners serve approximately one-third of their sentence.

A person receiving the maximum penalty of five years would typically serve about 602 days in prison at a cost of approximately \$34,000. If that person is required to serve eighty-five percent of their sentence, they would serve a minimum of 1,551 days in prison at a cost of approximately \$87,000. The fiscal impact of SB2018 would be dependent upon the number of adjudicated cases and the length of the sentence imposed by the court.

### **Long Term Fiscal Considerations**

Due to the 85% laws, our prisons are at full capacity and the county jails are backed up with prisoners waiting for transfer to the custody of the Department of Corrections.

Fiscal Analysis Reviewed By:

*Janice Buchanan*

House Fiscal Director