

# OFFICE OF FISCAL ANALYSIS

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SB-290

AN ACT CLARIFYING THE MEANINGS OF "SEXUAL INTERCOURSE" AND "SEXUAL CONTACT".

## **OFA Fiscal Note**

### **State Impact:**

Agency Affected	Fund-Effect	FY 27 \$	FY 28 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

### **Explanation**

The bill, which allows sexual assault prosecutions to be based on multiple acts committed over time as a continuous course of conduct, results in a potential cost to the Department of Correction and the Judicial Department for incarceration or probation and a potential revenue gain to the General Fund from fines to the extent more individuals are found criminally liable. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300<sup>1</sup> while the average marginal cost for supervision in the community is less than \$600<sup>2</sup> each year for adults and \$450 each year for juveniles.

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<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these expenses would only be realized if a unit or facility opened.

<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of offenses and fines collected.