

145TH GENERAL ASSEMBLY

**FISCAL NOTE
REVISED #2**

BILL:	HOUSE SUBSTITUTION NO. 1 FOR HOUSE BILL NO. 348 W/ HOUSE AMENDMENT NO. 1
SPONSOR:	Representative Longhurst
DESCRIPTION:	AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES.

ASSUMPTIONS:

1. Effective upon passage.
2. This Act would create a new criminal offense, "Crime Against a Vulnerable Adult", which would impose enhanced penalties in more than 50 criminal offenses if the victim is a vulnerable adult. The penalty of each crime would go up by one level or class up to a Felony D; there would be no enhanced sentencing for offenses which are already a Felony A, B or C as amended. In addition, the amended version would only allow the underlying charge or the "Vulnerable Adult" charge to be prosecuted and sentenced (not both). Vulnerable persons are defined as persons with mental or physical limitations or disability.
3. The Statistical Analysis Center (SAC) has reviewed this legislation for jail/prison bed space impact. A study by the Criminal Justice Council with the assistance of SAC entitled "Persons with Disabilities as Victims of Crime," found that there were approximately 1,000 police calls involving victims with a disability in 2009. The study found that persons with disabilities are no less likely to be victimized than the remainder of society, even for more serious crimes.
4. If 20% of those 1,000 police calls resulted in a perpetrator getting the enhanced sentencing, SAC estimates that there would be an increase of up to 8 beds for the Department of Correction.
5. The cost of housing a Level V inmate is approximately \$6,200 for medical and food service costs. The total cost per bed is \$33,250 when staffing and debt service costs are included.
6. No inflation is assumed.

COSTS:

<u>F.Y. 2011</u>	Department of Correction bed impact: Up to 8 beds Operational impact: Up to \$49,600
<u>F.Y. 2012</u>	Up to \$49,600
<u>F.Y. 2013</u>	Up to \$49,600