

OFFICE OF FISCAL ANALYSIS

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sHB-6917

AN ACT CONCERNING VARIOUS REVISIONS TO THE CRIMINAL LAW AND CRIMINAL JUSTICE STATUTES.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Judicial Dept.	GF - Cost	835,000	1,105,000
State Comptroller - Fringe Benefits ¹	GF - Cost	330,000	451,000
Resources of the General Fund	GF - See Below	See Below	See Below
Judicial Dept. (Probation); Correction, Dept.	GF - See Below	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill makes changes to various statutes related to cannabis, driving offenses, rent issues, sexual assault in the 4th degree, and victim notification and has fiscal impacts as described below.

Section 4 makes exceptions to when a person may be charged with excessive possession of cannabis which results in a potential savings for a reduction in incarceration² or probation³ and a potential revenue loss

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 42.82% of payroll in FY 24.

² On average, the marginal cost to the state for incarcerating an offender for the year is \$2,500. 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 would only be realized if a unit or facility opened.

³ The average marginal cost for supervision in the community is about \$800 each year. 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

from fines.

Sections 5 and 6 add a condition to a 90-day minimum sentence for certain driving related offenses which results in a potential savings for a reduction in incarceration or probation and a potential revenue loss from fines. See footnotes 2 and 3 for more information.

Section 7 removes a violation that can be paid by mail and requires a court appearance for certain offenses related to illegal rent issues. This does not result in any fiscal impact to the state or municipalities. The court system disposes of over 250,000 cases annually and the number of cases is not anticipated to be great enough to need additional resources for this provision.

Sections 9 and 10 add to the definition of sexual assault in the 4th degree to include the sexual assault of a dead body which results in potential cost for incarceration or probation and a potential revenue gain from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,500 while the average marginal cost for supervision in the community is less than \$800 each year. See footnotes 1 and 2 for more information.

Section 12 expands the victim notification from the Judicial Department in cases where a defendant has violated conditions of probation or discharge which results in an estimated cost of \$835,000 in FY 24⁴ and \$1,105,000 in FY 25⁵ to the Judicial Department and \$330,000 in FY 24 and \$451,000 in FY 25 to the Office of the State Comptroller. The FY 24 estimate represents a partial fiscal year for implementation on October 1, 2023. There would be a need for about 18 intake assistant staff members, associated other expenses, and equipment costs in FY 24.

The Out Years

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.

⁴ Personal Services \$770,000; Other Expenses \$38,000; Equipment Cost \$27,000

⁵ Personal Services \$1,052,000; Other Expenses \$53,000

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