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H.B. 161
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 161's Bill Analysis](#)

Version: As Reported by Senate Judiciary

Primary Sponsor: Rep. Hillyer

Local Impact Statement Procedure Required: No

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Highlights

- The elimination of the spousal exceptions for certain sex offenses may produce a few additional felony convictions that result in the imposition of a prison term, which would marginally increase the state's annual incarceration costs. The annual marginal cost for adding an additional offender to the prison system is about \$4,000 per offender.
- There may be a negligible annual gain in the amount of locally collected state court costs deposited in the state treasury to the credit of the Victims of Crime/Reparations Fund (Fund 4020) and the Indigent Defense Support Fund (Fund 5DY0).
- The bill may create a few additional sex offense cases for county and municipal criminal justice systems to process annually. Any related increase in costs for adjudication, prosecution, indigent defense, and sanctioning are not likely to exceed minimal in a given year and would be absorbed into the daily cost of doing business. The annual gain in court cost, fee, and fine revenue will be negligible.

Detailed Analysis

The bill eliminates the spousal exceptions for the offenses of rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, and certain circumstances of importuning and expands the proceedings in which a person may testify against the person's spouse to include prosecutions for any of the sex offenses modified by the bill, as well as public indecency.

Fiscal effect

The bill may generate a relatively small increase in the number of cases in which a person is charged with, and subsequently convicted of, certain sex offenses. With respect to the removal

of spousal exemptions, prosecutors will have more discretion in considering a charge. A decision to indict would be made depending on the facts of the case.

County and municipal criminal justice system costs (adjudication, prosecution, defense, and sanctioning) may increase to some degree to process sex offense cases affected by the elimination of the spousal exceptions, including the potential of new sex offender registry sanctions. It is likely that those systems can absorb such costs utilizing existing personnel and appropriated resources.

The sentencing outcome in the case of a felony sex offense may be the imposition of a prison term, thus creating additional costs for the Department of Rehabilitation and Correction (DRC). The annual marginal cost for adding an additional offender to the prison system is about \$4,000 per offender. Therefore, the total annual cost for DRC to add a few more sex offenders to its institutional population each year will be minimal at most.

Any increase in criminal cases and subsequent convictions because of the bill may lead to a gain in related state and local revenues. The state revenues would be in the form of locally collected state court costs, in the amount of \$29 for a misdemeanor and \$60 for a felony. Those amounts are apportioned between the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020). Counties and municipalities may gain revenues in the form of local court costs, fees, and fines. The amount of revenue that either the state or local governments may gain annually is likely to be negligible, as the number of affected cases is expected to be relatively small, and the difficulties of collecting financial sanctions from unwilling or indigent offenders.