

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 28, 2010
POSITION: Neutral, note concerns

BILL NUMBER: AB 2246
AUTHOR: S. Blakeslee

BILL SUMMARY: Battery: Gassing

This bill would expand the scope of the battery offense commonly referred to as "gassing" to include individuals confined to a state hospital. Additionally, this bill would require the Department of Mental Health (DMH) to submit a report to the Legislature by January 1, 2015, regarding gassing incidents at state hospitals.

FISCAL SUMMARY

No data is available to indicate the number of individuals who would be convicted of these crimes and serve time in state prison. We note that initially, the cost of additional inmates sentenced under this bill would be approximately \$25,000 General Fund (GF) per inmate, per year. However, over time the cumulative effect of additional sentences being imposed is more accurately reflected by the average institutional cost per inmate of approximately \$50,000 GF per year. Assuming that just ten people serve one year in prison, it would cost the state \$250,000 GF in the short term and \$500,000 in the long term.

While DMH was unable to provide an estimate of costs related to this bill prior to completion of this analysis, any workload related to this measure is likely to be minor and absorbable.

Any local government costs resulting from the mandate in this measure would not be state-reimbursable because the mandate only involves the definition of a crime or penalty for conviction of a crime.

COMMENTS

The Department of Finance has no concerns with the sentencing policy proposed by this bill. However, given the current fiscal condition of the state we are concerned that the bill may increase the state's prison population and generate additional costs.

Existing law provides that every person confined in a local detention facility, state prison, or under the jurisdiction of the Division of Juvenile Facilities of the Department of Corrections and Rehabilitation, who commits a battery upon the person of a peace officer by "gassing," as defined, is guilty of aggravated battery.

This bill would make it a crime punishable by imprisonment in county jail or state prison for 2, 3, or 4 years, for any person confined to a state hospital who commits battery upon the person of a peace officer or employee of a state hospital, by gassing. This bill would also require DMH to report to the Legislature, by January 1, 2015, its findings and recommendations on gassing incidents at state hospitals.

Analyst/Principal Date Assistant Program Budget Manager Date
(0236) J. Sturges Zlatko Theodorovic

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

AUTHOR

AMENDMENT DATE

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Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code	
	LA	(Dollars in Thousands)								
	CO	PROP	2009-2010		2010-2011		2011-2012			
	RV	98	FC	FC	FC	FC				
5225/Corr & Rehab	SO	No	----- See Fiscal Summary -----							0001
4440/Mental Hth	SO	No	----- No/Minor Fiscal Impact -----							0001
8885/Comm St Mndt	LA	No	----- No/Minor Fiscal Impact -----							0001