
Detailed Fiscal Analysis

The bill: (1) enhances penalties for the commission of certain sex offenses, if the offender administers controlled substances to a person to impair the person's judgement; 2) requires courts to impose mandatory sentences on offenders convicted of rape; and 3) increases the penalty for certain offenses of sexual battery, including making cases of rape when the victim mistakes the offender for a spouse.

Administration of Controlled Substances on Victims

The bill enhances penalties for any person who has administered a controlled substance to another person and commits the offense of rape, sexual battery, corruption of a minor, gross sexual imposition or sexual imposition. Penalty for rape is F1, this bill adds a mandatory sentence, sexual battery is enhanced from an F4 to F3, corruption of a minor goes to F3 from F4 or F5 from M1 if the victim is less than 4 years younger than the offender, gross sexual imposition is increased from F4 to F3.

Although no data is available as to the number of sex offenses victims who had controlled substances administered to them to facilitate the commission of the crime, anecdotal information obtained from the DRC 1992 intake study may serve as a loose guide. In 1992, the study shows that there were 214 persons committed to DRC facilities with a sex offense as a primary or secondary offense. Of these 214 persons, 6 persons had an additional charge of possession of powder cocaine-1, marijuana-1, "unknown cocaine"-1, and "unknown drugs"-3. In addition, a 1996 DRC intake report shows 19 persons were committed for corruption of another with drugs. Although this offense relates primarily to offenders who have provided drugs to others for the purpose of making them demand more drugs, we can draw inferences from the numbers. Therefore, due to the current small number of cases and coverage by existing law, fiscal effects are expected to be negligible.

□ *LBO staff: Ogbe O. Aideyman, Budget Analyst/Economist
Jeff Newman, Research Associate*

H:\FN122\HB0032Sp.doc