



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

February 19, 2003

S. 151 **Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003**

As reported by the Senate Committee on the Judiciary on January 30, 2003

SUMMARY

S. 151 would establish new federal crimes and expand authorities under existing crimes against child pornography. It also would give law enforcement agents additional powers to investigate offenders. The bill would authorize the appropriation of such sums as may be necessary for the Attorney General to appoint 25 additional trial attorneys to prosecute child pornographers.

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 151 would cost about \$55 million over the 2003-2008 period for new attorneys and for anticipated costs to the federal courts and prison system as a result of those hires. About \$30 million of the total estimated would be to accommodate more convicted offenders in federal prisons. This legislation could affect direct spending and receipts, but we estimate that any such effects would be less than \$500,000 annually.

S. 151 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs resulting from the voluntary disclosure of stored communications by public electronic communications providers would be insignificant. The bill would impose a private-sector mandate as defined in UMRA on producers involved in interstate and foreign commerce of certain sexually explicit material. CBO estimates that the cost of the mandate would not exceed the annual threshold by UMRA (\$117 million in 2003, adjusted annually for inflation).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 151 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

	By Fiscal Year, in Millions of Dollars					
	2003	2004	2005	2006	2007	2008
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	1	5	9	12	14	15
Estimated Outlays	1	5	9	12	14	15

In addition to the costs shown above, enacting S. 151 could affect direct spending and receipts. However, we estimate that any such effects would be less than \$500,000 in any year.

BASIS OF ESTIMATE

CBO estimates that implementing S. 151 would cost about \$55 million over the 2003-2008 period, mostly to hire attorneys and to accommodate more prisoners in the federal prison system. For this estimate, CBO assumes that the bill will be enacted during 2003 and that the necessary amounts will be appropriated for each fiscal year. In addition, we estimate that the bill would increase revenues and direct spending by less than \$500,000 each year.

Spending Subject to Appropriation

Based on information from the Department of Justice, CBO estimates that the costs of hiring 25 additional attorneys and necessary support staff would reach \$3 million in fiscal year 2004 and would total \$18 million over the 2003-2008 period, subject to the appropriation of the necessary amounts.

Because the bill would establish new federal crimes and would provide funding for more attorneys to prosecute offenders, the government would be able to pursue more cases than it could under current law. Based on information from the Administrative Office of the United States Courts, CBO expects the 25 new attorneys to generate roughly 600 new cases each year against child sex offenders, which would increase court costs by about \$9 million over the 2003-2008 period. Those costs would be subject to the availability of appropriated funds.

In addition, implementing S. 151 would increase costs to the federal prison system to accommodate more convicted offenders. The effects of this legislation on the prison system cannot be predicted with certainty, but based on incarceration rates and prison sentences for

current sex offenders, CBO expects that the additional cases generated by S. 151 would increase the prison population by roughly 1,000 prisoners per year by 2008. At an annual cost per prisoner of about \$7,000 (at 2003 prices), CBO estimates that the cost to support those additional prisoners would be a little less than \$30 million over the 2003-2008 period.

Direct Spending and Receipts

Because those prosecuted and convicted under S. 151 could be subject to criminal fines, the federal government might collect additional fines if the legislation is enacted. Collections of such fines are recorded in the budget as revenues (i.e., governmental receipts), which are deposited in the Crime Victims Fund and later spent. CBO expects that any additional revenues and direct spending would be less than \$500,000 annually.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

S. 151 contains no intergovernmental mandates as defined in UMRA. Any costs resulting from the voluntary disclosure of stored communications by public electronic communications providers would be insignificant.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

S. 151 would impose a private-sector mandate as defined by UMRA on producers involved in interstate and foreign commerce of certain sexually explicit material. Under current law, those producers are required to create and maintain records of all performers portrayed in certain sexually explicit conduct displayed in any book, magazine, periodical, film, or video tape. This bill would expand the recordkeeping requirement to include performers portrayed in a computer-generated image, digital image, or picture. CBO estimates that the cost for additional recordkeeping would be small and would not exceed the annual threshold established by UMRA (\$117 million in 2003, adjusted annually for inflation).

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