

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5462-01
Bill No.: HB 1560
Subject: Children and Minors; Courts; Crimes and Punishment; Criminal Procedure
Type: Original
Date: February 14, 2014

Bill Summary: This proposal changes the laws regarding penalties for first degree murder when the person is under 18 years of age at the time the offense was committed.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	(\$1,985,982)	(\$298,856)	(\$303,319)
Total Estimated Net Effect on General Revenue Fund	(\$1,985,982)	(\$298,856)	(\$303,319)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	4 FTE	4 FTE	4 FTE
Total Estimated Net Effect on FTE	4	4	4

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Public Defender (MSPD)** responded to Oversight's request for fiscal impact last year, however, they did not state whether the proposal would impact their agency.

In response to this year's bill, MSPD assumes there are 84 juveniles currently serving life without parole (lwop). This legislation appears to give them all the right to a new sentencing hearing if they request it in time. MSPD would incur a minimum of \$15,000 times 84 cases for litigation costs (\$1,260,000). Plus, MSPD would have to contract out these 84 cases to private attorneys for the sentencing phase at a cost of approximately \$5,000 per case (\$420,000).

Assuming the MSPD provides representation in just 5 juvenile Murder 1st cases per year. The RubinBrown weight we used in our Budget Request was 85.9 for non-capital homicide, without taking into account travel or court time. Assuming an attorney can provide representation in just 3 of these types of cases per year, that is 693.3 hours (2080/3), which is 1.5 attorneys (3,035.5/2080). At 3 cases per year, it would require an additional 1.5 attorneys. Plus, these estimated 5 new cases would also require at least \$15,000 of litigation costs.

In summary, the MSPD assumes the need for \$1.68 million in litigation costs for the 84 cases that may request a new sentencing hearing, and 4.5 additional FTE, with an annual cost of approximately \$300,000 for new cases going forward.

Oversight has reduced the FTE Assistant Public Defender from 1.5 FTE to 1.0 FTE.

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Office of the State Courts Administrator (CTS)** assume this proposal would not be in excess of \$100,000.

Oversight assumes that any costs from CTS relating to this proposal could be absorbed within their current appropriation level.

Officials at the **Department of Corrections** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2015	FY 2016	FY 2017
---	---------	---------	---------

GENERAL REVENUE FUND

Costs - Office of the State Public

Defender

Personal Service	(\$131,484)	(\$132,799)	(\$134,127)
Fringe Benefits	(\$67,063)	(\$67,734)	(\$68,411)
Equipment and Expense of 4 FTEs	(\$32,435)	(\$21,448)	(\$21,984)
One Time Litigation Costs	(\$1,260,000)	\$0	\$0
One Time Contract Counsel Costs	(\$420,000)	\$0	\$0
On Going Litigation Costs	(\$75,000)	(\$76,875)	(\$78,797)
<u>Total Costs - MSPD</u>	<u>(\$1,985,982)</u>	<u>(\$298,856)</u>	<u>(\$303,319)</u>
FTE Change - MSPD	4 FTE	4 FTE	4 FTE

ESTIMATED NET EFFECT ON

GENERAL REVENUE FUND	<u>(\$1,985,982)</u>	<u>(\$298,856)</u>	<u>(\$303,319)</u>
-----------------------------	-----------------------------	---------------------------	---------------------------

<u>FISCAL IMPACT - Local Government</u>	FY 2015	FY 2016	FY 2017
---	---------	---------	---------

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
-------------------	-------------------	-------------------

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

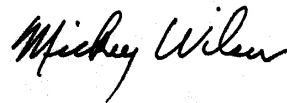
This bill specifies that if a person has not reached his or her 18th birthday at the time of the commission of an offense punishable by the death penalty, he or she must be sentenced to either life imprisonment without the eligibility for probation or parole or life imprisonment with eligibility for parole after he or she has served fifty years in prison. A person sentenced to imprisonment for life without the eligibility for parole before the effective date of the bill and was under 18 years of age at the time the offense was committed may file a motion in the sentencing court within six months from the effective date of this bill to determine if the original sentence that was imposed shall remain or be amended to imprisonment for life with eligibility for parole after he or she has served 50 years.

This bill has an emergency clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Public Defender
Office of the State Courts Administrator
Office of the Attorney General
Department of Corrections
Office of Prosecution Services



Mickey Wilson, CPA
Director
February 14, 2014

Ross Strobe
Assistant Director
February 14, 2014

L.R. No. 5462-01
Bill No. HB 1560
Page 6 of 6
February 14, 2014

NM:LR:OD