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FISCAL IMPACT REPORT

SPONSOR: Martinez DATE TYPED: 02/24/01 HB 513
 SHORT TITLE: Equitable Schedule of Sentencing SB _____
 ANALYST: Rael

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
		See Narrative		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with HB 462, HB 662

SOURCES OF INFORMATION

Public Defender Department (PDD)
 Attorney General's Office (AGO)
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

The Equitable Schedule of Sentencing bill would increase the increments of the value of the property taken in the larceny statutes and most kindred offenses: larceny; tax fraud; fraud; criminal damage to property; desecration of a church; disposal of encumbered property; arson; obtaining telecommunication services by fraud; fraudulent acts by merchants; fraud in obtaining federal food coupons, WIC assistance and food stamps; misappropriating public assistance; failure to reimburse human services department; fraudulent computer access, use and abuse; exploitation of property; embezzlement; receiving stolen property; cheating a machine or device; falsely obtaining services or accommodations; shoplifting; fraudulent use of a credit card; acts to obtain, retain or the failure to return, rented property or leased vehicles; fraudulent telemarketing.

The increments and punishments are as follows:

1. less than \$100: petty misdemeanor (up to 180 days in jail);
2. over \$100, but less than \$1000: misdemeanor (up to one year in jail);
3. over \$1000 but less than \$2500: fourth-degree felony (eighteen months imprisonment);
4. over \$2500 but less than \$20,000: third-degree-felony (three years imprisonment); and
5. over \$20,000: second- degree felony (nine years imprisonment).

FISCAL IMPLICATIONS

The Public Defender reports that by “raising the floor” on certain crimes that are currently felonies, fewer clients charged with the crimes enumerated will be charged with felonies. Misdemeanors are easier to plea, easier to try, and more readily settled. If the window for misdemeanor charges is expanded, while, at the same time, narrowing the window for felonies, in house counsel and staff will be spared significant time and effort litigating the lower charges. Additionally, because contract counsel are paid much less for misdemeanor infractions than for felony trials, the Department’s contract budget will be similarly relieved.

ADMINISTRATIVE IMPLICATIONS

Since this bill changes all those cases with a larceny or theft in amounts between \$250 and \$1,000 to misdemeanors, those cases would now be filed and concluded in the magistrate court. This could result in significant increases in magistrate filings, hearings, trials, clerk, and judge time. This could cause increased case backlog, especially in those magistrate courts in counties which already have large caseloads relative to staff size.

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