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## FISCAL IMPACT REPORT

 NSOR: Park DATE TYPED: 01/24/02 HB 137

SHORT TITLE: Life Sentences for Certain Offenders SB \_\_\_\_\_

ANALYST: Wilson

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
		\$0.1 See Narrative		Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

- Administrative Office of the Courts (AOC)
- Administrative Office of the District Attorney (ADA)
- Attorney General's Office (AG)
- Corrections Department (CD)

### SUMMARY

#### Synopsis of Bill

HB 137 denies parole eligibility to inmates who are serving three types of life sentences under existing law: first-degree murder, a life sentence for three violent felonies or for a second conviction for a violent sexual offense. HB 137 repeals current provisions that grant parole eligibility after 30 years. The provisions of this bill would require such an inmate to remain in prison for the remainder of his natural life. The measure also eliminates the resources currently spent on parole considerations and conditions for inmates paroled on capital felonies.

#### Significant Issues

HB 137 makes a "life sentence" a true life sentence. It removes the language allowing these offenders to be considered for parole after 30 years. This will cause a larger population in the future.

HB 137 applies to persons convicted of two violent sexual offenses against adults . Persons convicted and sentenced for two violent sexual offenses against children are already subject to a sentence of life without possibility of parole, so the statute would erase the current distinction in sentencing between violent sexual offenses against adults and those against children.

The CD believes that HB 137 will likely act as a deterrent to a small percentage of inmates who al-

ready have two qualifying convictions or one qualifying sexual offence. Those who are already in prison might be discouraged from escaping, committing aggravated battery against a correctional officer or committing sexual crimes against fellow inmates.

CD notes that the additional incarceration costs may be offset by a minor to moderate cost reduction if HB 137 serves as a deterrent to potential offenders.

### **FISCAL IMPLICATIONS**

The CD states that HB 137 will result in increased costs to the prisons since an unknown number of inmates will be housed for the remainder of their natural lives. As these offenders get nearer to the ends of their lives, their medical costs tend to increase substantially.

The private prison annual cost of incarcerating a male inmate based on FY 2001 actual expenditures is \$22,787. The Grants' prison annual cost of incarcerating a female inmate is \$24,480. CD states that any increase in inmate population will be housed in private facilities.

On the other hand, the cost per year per client who are paroled is the following:

Parole and Probation supervision	\$ 1,381
Intensive supervision program	\$ 4,785
CD Community programs	\$ 5,558
Private Community programs	\$10,746

The AOC notes that increasing the penalty for "three-strikes" defendants has a tendency to increase jury trials that are more expensive than plea cases. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws, and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

The ADA agrees that the provisions of HB 137 could lead to additional trials and would increase the number of hearings for the District Attorneys' staff and the Public Defender Department staff due to amended sentencing procedures.

### **ADMINISTRATIVE IMPLICATIONS**

The AOC states that there may be an administrative impact on the courts commensurate with the increase in caseload and/or in the amount of time necessary to dispose of cases.

CD also states that HB 137 may result in an increase in administrative burdens as a result of the larger prison population due to the additional numbers of offenders sentenced to life imprisonment.

### **OTHER SUBSTANTIVE ISSUES**

The ADA states that HB 137 should also include other violent felonies in the great bodily harm category, such as aggravated battery with great bodily harm, injury to a pregnant woman, aggravated arson with great bodily harm, aggravated battery on a peace officer with great bodily harm and abuse of a resident with great bodily harm.