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FISCAL IMPACT REPORT



SPONSOR: Fuller DATE TYPED: 01/31/02 HB 260

SHORT TITLE: Aggravated Circumstance For Capital Felony SB _____

ANALYST: Wilson

APPROPRIATION

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

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

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

SUMMARY

Synopsis of Bill

House Bill 260 amends current law relating to aggravated circumstances to be considered by the judge or jury in sentencing someone found guilty of a capital offense which is a potential death penalty case and adds an additional provision to the definition of "aggravated circumstance." HB 260 states that there is an aggravated circumstance when "the victim was a peace officer who was murdered because of his present or former status as a police officer."

HB 260 clears up an ambiguity in the existing definition and causes all murders of a peace officer to be defined as an "aggravated circumstance."

HB 260 also cleans up some other technical language in the statute.

Significant Issues.

The CD notes that correctional officers are considered “peace officers” for purposes of most existing crimes, but not by HB 260. This bill could provide an additional measure of protection to correctional officers if correctional officers were included. It would be a deterrent to anyone who might target a correctional officer for murder while off duty in order to avoid the possibility of the death penalty, which can be imposed for murder of a correctional officer who is on the prison grounds.

HB 260 could also result in a minor cost savings to the state if it served to deter such an offense. Also, if the death penalty was actually imposed, there is some possibility this could result in a small decrease in costs because in later years there would no longer be the cost of incarcerating the executed inmate.

FISCAL IMPLICATIONS

HB 260 bill could result in a minor decrease in costs to the CD if it acted as a deterrent to those who target for murder off-duty and retired peace officers.

In the long term, the bill could result in further minor cost savings to the CD if the offenders were executed and the CD no longer had to pay the cost of incarcerating them.

The AG might from time to time, be required to prosecute such offenses. An increased number of death sentences would also likely increase the caseload of the Criminal Appeals Division of the AG. These cases are complex and require a great amount of time to prepare and argue.

The AOC states that death penalty cases take up a considerable amount of judicial time because the district courts have to conduct not only a trial but a sentencing phase as well. There may be an increase in the amount of work that needs to be done by the courts, thus requiring additional resources to handle the increase.

There will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. 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.

ADMINISTRATIVE IMPLICATIONS

If HB 260 is amended to include correctional officers, in the short term and the long term, the bill could boost the morale of correctional officers.

HB 260 might result in a slightly smaller prison population if the bill acts as a deterrent or due to the offender’s execution. A smaller prison population would have positive administration implications.

DW/ar/njw