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## FISCAL IMPACT REPORT



SPONSOR: Komidina DATE TYPED: 02/05/02 HB \_\_\_\_\_

SHORT TITLE: Life Imprisonment Without Parole SB 285

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

### SOURCES OF INFORMATION

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

### SUMMARY

#### Synopsis of Bill

SB 285 will allow the jury or sentencing judge to consider a new penalty of “life imprisonment without the possibility of release or parole.” This penalty will be in addition to the death penalty or the current punishment of life imprisonment, which carries parole eligibility after thirty years. Under current law, if the jury cannot reach a unanimous verdict on the penalty, the judge must impose a life sentence. Under this measure, the judge would have the authority to sentence the offender to either life or life without the possibility of release or parole.

SB 285 also makes four substantial changes in the current aggravating circumstances for the death penalty. The bill adds the murder of a child less than thirteen years old, the murder of a person because of his present or former status as a peace officer, a murder committed “in a heinous manner,” and the murder of two or more victims to the current list of circumstances under which the sentencing judge or jury could consider imposing the death penalty or the penalty of life imprisonment without the possibility of parole.

Furthermore, SB 285 addresses sentencing for the mentally disabled. Under this bill, a mentally disabled person would incur the sentence of life imprisonment without the possibility of parole if the person committed a capital felony instead of the “life imprisonment” provision that exists in the current law.

The measure also makes the necessary changes in parole procedures to require the inmate shall “remain incarcerated for the entirety of his natural life.”

### Significant Issues

SB 285 increases the severity of capital felony punishment for those with mental disabilities.

The CD raises the following issues:

- Inmates who are sentenced to prison for the entirety of their lives are much more likely to be a management problem since most of them believe they have nothing to lose since they will never be able to earn their release. There is no incentive to comply with the rules.
- The new aggravating circumstance, which includes the killing of a person because of that person’s present or former status as an employee of the CD could result in a slight improvement in the morale of CD employees.

### **FISCAL IMPLICATIONS**

SB 285 will have little immediate fiscal impact on the CD. However, in the long term, SB 285 could result in increased costs to the CD as a result of the increased frequency and degree of misconduct committed by inmates who have no hope for parole. In the long term, the CD will experience increased costs in medical treatment for inmates sentenced to life without the possibility of parole as they age and medical issues related to the elderly rise.

The AOC notes that the sanction of life imprisonment without parole could encourage many accused persons to invoke their right to trial by jury and their right to trial by jury. The fiscal implications on the judiciary will directly follow the amount of litigation that is generated by the Act. Those additional costs are not currently quantifiable.

### **ADMINISTRATIVE IMPLICATIONS**

There may be an administrative impact on the courts as a result of the amount of time necessary to dispose a case because of the severity of the sentence.

### **CONFLICT /RELATIONSHIP**

Conflicts with SB 227, Abolish Death Penalty

Relates to HB 137, Life Sentence for Certain Offenders and HB 260, Aggravated Circumstance for Capital Felony

**POSSIBLE QUESTIONS**

SB 285 does not address automatic Supreme Court review for the sentence of life imprisonment without parole. Does this sentence allow for automatic review?

DW/njw:ar