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FISCAL IMPACT REPORT

SPONSOR: Youngberg DATE TYPED: 02/20/03 HB 294/aHCPAC

SHORT TITLE: Circumstances in Capital Felony Sentencing SB _____

ANALYST: Fox-Young

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			\$0.1 Significant	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB 51 and SB 272; Relates to SB 75 (includes a provision adding an aggravating circumstance for the deliberate, intentional murder of a child less than thirteen years old)

SOURCES OF INFORMATION

Responses Received From

- Administrative Office of the Courts (AOC)
- Attorney General (AG)
- Corrections Department (CD)
- Administrative Office of the District Attorneys (AODA)
- Department of Public Safety (DPS)

SUMMARY

Synopsis of HCPAC Amendment

The House Consumer and Public Affairs Committee amends House Bill 294, altering the new aggravating circumstance to read:

“the defendant, with the intent to kill, murdered a child less than eleven years of age.”

The amendment clarifies that the accused must have intended to kill, where the original bill did not include the element of intent. The amendment does not specify that the accused must know the age of the victim.

Synopsis of Original Bill

House Bill 294 amends Section 31-20A-5, adding one aggravating circumstance to the list of aggravating circumstances that may be considered in a capital felony proceeding. An individual who commits first degree murder where “the victim was a child less than eleven years of age,” will be eligible for the death penalty.

The bill also cleans up technical language in the statute.

Significant Issues

The Public Defender Department (PDD) notes that the bill does not provide that an offender must have intended to kill or that an offender must have known that a victim was under the age of eleven for the aggravating circumstance to apply.

FISCAL IMPLICATIONS

Death penalty prosecutions require significant resources of the courts, district attorneys, Public Defender Department (PDD) and the Attorney General (AG). The Administrative Office of the Courts (AOC) notes that district courts conduct a trial as well as a sentencing phase in death penalty cases, requiring a substantial commitment of resources from all of these agencies.

Between FY00 and FY02, the state spent \$982.5 for prosecution of death penalty cases resulting from a single incident, the Santa Rosa prison riot. This figure does not include costs incurred by the courts, PDD and AG. By the time all of the cases associated with this incident are disposed of, total costs are likely to be in excess of five million dollars.

The Corrections Department (CD) notes that in the long term, the bill could result in a small cost savings to the department if more offenders are executed rather than serving lengthy prison sentences.

JCF/prr/njw