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FISCAL IMPACT REPORT

ORIGINAL DATE 02/05/11
SPONSOR Ryan LAST UPDATED _____ HB _____
SHORT TITLE Additional Felonies for 3 Strikes Law SB 74
ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$1,000.0- \$2,000.0	\$1,000.0- \$2,000.0	\$2,000.0- \$4,000.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
Administrative Office of the District Attorneys (AODA)
Attorney General's Office (AGO)
Department of Public Safety (DPS)
Public Defender Department (PDD)
Sentencing Commission (SC)

SUMMARY

Synopsis of Bill

Senate Bill 74 adds additional violent felonies to the mandatory life imprisonment for three violent felony convictions section in the criminal sentencing act. The bill adds voluntary manslaughter, third-degree aggravated battery, second or third degree shooting at an occupied building, second or third degree shooting at or from a motor vehicle, third degree aggravated battery on a household member, first degree kidnapping, first or second degree aggravated criminal sexual penetration, second or third degree criminal sexual contact of a minor, first or second degree robbery, second degree aggravated arson, aggravated battery on a peace officer, assault with intent to commit a violent felony on a peace officer, and third degree aggravated battery on a peace officer.

FISCAL IMPLICATIONS

As penalties become more severe, defendants may invoke their right to trial and their right to trial by jury. More trials and more jury trials will require additional judge time, courtroom staff

time, court room availability and jury fees. The AOC states these additional costs are not capable of quantification.

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.

SIGNIFICANT ISSUES

Life imprisonment cases take up a considerable amount of judicial time. Expanding the list of violent felonies for a “three strikes” case may increase the amount of work that needs to be done by the courts, thus requiring additional resources to handle the increased workload.

ADMINISTRATIVE IMPLICATIONS

Life imprisonment cases require the dedication of considerable time and resources by prosecutors, PDD and the judiciary.

DW/svb