

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2281-01
Bill No.: SB 529
Subject: Prisons; Probation and Parole; Crimes and Punishment; Corrections
Type: Original
Date: April 23, 2007

Bill Summary: The proposal allows certain homicide offenders to be eligible for early parole under certain circumstances.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Total Estimated Net Effect on General Revenue Fund	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Public Defender** assume the proposal would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Corrections (DOC)** state at the end of 2006, DOC had 301 offenders serving life, no parole/50 years for murder who had served at least 15 years. An estimate of the murders with a spouse as the victim is based on FBI stats (5.2% of murders are spouses) indicates 13 offenders. Approximately 2 to 3 offenders would become eligible per each additional year of the ten-year scope of this fiscal note. Pursuant to passage of this bill, these offenders would now be reviewed by the Parole Board. Outcomes due to this review are Unknown and cannot be predicted. DOC assumes an unknown savings, although the department would incur new costs of supervising these offenders. There could also be no cost or savings if no offenders are granted early parole.

Oversight assumes the Department of Corrections (DOC) could experience a savings due to reduced incarceration time. Oversight also assumes the DOC could experience increased supervision costs by the Board of Probation and Parole. For fiscal note purposes, Oversight assumes any savings due to reduced incarceration time would exceed any increased supervision costs. Oversight notes there would be no fiscal impact if no offenders are granted early parole. Therefore, Oversight has ranged the savings and cost from \$0 to Unknown.

Officials from the **Office of Prosecution Services (OPS)** assume the proposed legislation creates no new obligations for prosecuting attorneys. This proposal would have no direct fiscal impact on county prosecutors or the OPS. If, however, offenders incarcerated in a correctional institution serving sentences of life with no parole for fifty years or life without parole are paroled early pursuant to this proposed legislation and re-offend, any future prosecution of such individuals could have a significant adverse impact on prosecuting attorneys.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
GENERAL REVENUE FUND			
<u>Savings</u> – Department of Corrections			
Reduced incarceration cost	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs</u> – Department of Corrections			
Increased supervision costs	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

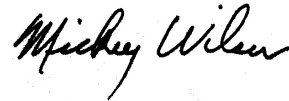
The proposed legislation would allow certain offenders who have pleaded guilty to or been found guilty of homicide of a spouse or domestic partner and are serving a life sentence without the possibility of parole for at least fifty years to be eligible for parole after having served fifteen years if the board of probation and parole determines that there is a strong probability that the person will not violate the law again. The offender must have no prior felony convictions, must have exhausted all appeals, and have a history of being a victim of domestic violence or have evidence of innocence that was not fully presented at trial or sentencing.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Office of Prosecution Services
Office of the State Public Defender

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
April 23, 2007