

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0517-01
Bill No.: SB 36
Subject: Crimes and Punishment; Children and Minors
Type: Original
Date: January 26, 2009

Bill Summary: The proposal makes the penalty for forcible rape or sodomy of a child under the age of twelve life imprisonment without eligibility for probation and parole at any time.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
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 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
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 2010	FY 2011	FY 2012
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

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 existing statutes require life without probation or parole for thirty years for dangerous felonies. Forcible rape and forcible sodomy fall under the auspices of this dangerous felony definition. This proposal would also remove the reduction of “minimums of 15-year incarcerations” for offenders who exceed 75 years of age. Due to sentences currently imposed and served for these crimes, passage of this proposal would have no fiscal impact for DOC within both the three-year and ten-year periods pertinent to this fiscal note.

DOC officials also state the fiscal impact would be unknown for the very long-range future which is well beyond even the ten-year scope that DOC addresses for fiscal notes. There may be extra health concerns for offenders who are kept in prison at an advanced age, but those would be monetarily addressed by normal and customary budget requests at the time of occurrence.

Officials from the **Office of Prosecution Services (OPS)** assume the fiscal impact to the OPS and county prosecutors is unknown at this time. Officials state the proposal may result in lower guilty plea rates among impacted cases.

Oversight assumes the Office of Prosecution Services (OPS) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the OPS would be reflected in future budget requests.

Officials from the **Office of the State Public Defender (SPD)** assume increasing penalties on existing crimes, or creating new crimes, will require more SPD resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional appropriations for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Oversight assumes the Office of the State Public Defender (SPD) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<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 appears to have no fiscal impact

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

SOURCES OF INFORMATION

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



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Mickey Wilson, CPA
Director
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