

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1701-01
Bill No.: SB 377
Subject: Children and Minors; Courts; Crimes and Punishment; Criminal Procedure; Law Enforcement Officers and Agencies
Type: Original
Date: March 8, 2013

Bill Summary: This proposal modifies penalties for first degree murder when the person was under the age of 18 at the time of committing the offense.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund*	\$0	\$0	\$0

* The potential fiscal impact for the Department of Corrections is beyond the scope of this note.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of Prosecution Services** and the **Office of State Courts Administrator** each assume there is no fiscal impact from this proposal.

Officials from the **Department of Corrections** state the fiscal impact for offenders serving extended sentences is beyond the scope of this fiscal note.

Officials from the **Office of the State Public Defender** responded to our request for fiscal impact for this bill; however, they did not state whether the bill would impact their agency.

<u>FISCAL IMPACT - State Government*</u>	FY 2014	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

* The potential fiscal impact for the Department of Corrections is beyond the scope of this note.

<u>FISCAL IMPACT - Local Government</u>	FY 2014	FY 2015	FY 2016
	<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

Under current law, offenders who were under the age of 18 at the time they committed first degree murder must be sentenced to life imprisonment without eligibility for probation, parole, or conditional release. In June, the U.S. Supreme Court in *Miller v. Alabama* held that mandatory life sentences without parole for juvenile criminal offenders are unconstitutional. As a result, there is no punishment for first degree murder under current law in Missouri that is enforceable against those who committed murder before they turned 18.

RS:LR:OD

FISCAL DESCRIPTION (continued)

This act repeals the mandatory life sentence found to be unconstitutional in *Miller v. Alabama* and provides that offenders who were under the age of 18 at the time of the first degree murder may be sentenced to either life imprisonment without parole until the offender has served 50 years in prison or life imprisonment without parole.

Under this act, the prosecutor may file a notice of intent to seek a punishment of life imprisonment without parole and, if the notice is filed, the trial proceeds in two phases. In one phase, the trier determines if the person is guilty. If the person is found guilty, the second phase begins to determine whether the person should be sentenced to life without parole or life without parole until the person has served 50 years.

If the prosecutor does not file the notice and the person is found guilty of first degree murder, then the punishment is life without parole until the person has served 50 years in prison.

The procedures under this act do not apply to any case that is final for purposes of appeal at the time the act goes into effect. Any person who was sentenced to life imprisonment without parole for a crime committed before the person turned 18 may, within six months of the effective date of the act, file a motion for a new sentencing hearing to determine whether the original sentence should remain or if the person ought to be sentenced to life imprisonment without parole until the person has served 50 years.

This act contains an emergency clause.

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

A handwritten signature in black ink, appearing to be "C. A. Adams", located at the bottom right of the page.

L.R. No. 1701-01
Bill No. SB 377
Page 5 of 5
March 8, 2013

Ross Strobe
Acting Director
March 8, 2013

RS:LR:OD