

LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 158** HLS 21RS 470
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 21, 2021	2:07 PM	Author: JONES
Dept./Agy.: Corrections		Analyst: Rebecca Robinson
Subject: Elements and sentencing of second degree murder		

CRIME EG SEE FISC NOTE GF EX See Note Page 1 of 1
 Provides relative to second degree murder

Present law provides for a sentence of life imprisonment for the crime of 2nd degree murder. Proposed law provides that for persons convicted of 2nd degree murder with specific intent to kill shall have a minimum sentence of life imprisonment, with the first 25 years without benefit of parole, probation, or suspension of sentence, and a maximum sentence of life imprisonment without benefit of parole, probation, or suspension of sentence. Proposed law further provides that persons convicted of 2nd degree murder without specific intent to kill be sentenced to life imprisonment with the first 25 years without benefit or parole, probation or suspension of sentence. Proposed law expands the definition of manslaughter. Proposed law requires the Department of Public Safety & Corrections, Corrections Services, to compile and make publicly available a list of all people (and enumerated statistics) within it custody imprisoned under present law by 9/1/21, shall update the list quarterly through 9/1/22, and then annually thereafter. The provisions of proposed law shall be given prospective application only. Proposed law has an effective date of 9/1/21.

EXPENDITURES	2021-22	2022-23	2023-24	2024-25	2025-26	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						

REVENUES	2021-22	2022-23	2023-24	2024-25	2025-26	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						

EXPENDITURE EXPLANATION

There may be an indeterminable decrease to SGF expenditures for the Department of Safety & Corrections - Corrections Services (DPS&C) to the extent offenders convicted of second degree murder and serve at least 25 years of their sentence and are subsequently released. The exact fiscal impact of this legislation is indeterminable; however, the impact would be less time served for those offenders incarcerated for second degree murder by allowing them to be eligible for parole, probation, or suspension of sentence after serving 25 years. Releasing offenders after they serve 25 years could save DPS&C \$26.39 per day per offender and \$9,632 annually (\$26.39 per day per offender x 365 days) for those in adult local housing. A reduction in convictions could save DPS&C \$67.36 per day per offender and \$24,586 annually (\$67.36 per day per offender x 365 days) for those in a state facility.


There will be an indeterminable impact to SGF expenditures for DPS&C with the addition of the distributing or dispensing of controlled substances in Schedules I through V of the Uniform Controlled Dangerous Substances Law as an element of manslaughter. Proposed law removes the distributing or dispensing of controlled substances as an element of second degree murder and adds it as an element of manslaughter. The fiscal impact of the downgrading of this crime to manslaughter is indeterminable as it is not known the number of individuals that will be convicted of manslaughter rather than second degree murder. Proposed law retains the distributing and dispensing of fentanyl and its analogues, as a controlled dangerous substance under Schedules I through V of the Uniform Controlled Substances Law, as an element of second degree murder; and therefore, there is no change in the fiscal impact of individuals convicted under this element of second degree murder.

Any offender sentenced to the custody of DPS&C increases SGF expenditures \$26.39 per day per offender in adult local housing and \$67.36 per day per offender in a state facility. Any offender convicted of this crime would cost DPS&C \$9,632 annually (\$26.39 per day per offender x 365 days) per offenders in adult local housing and \$24,586 annually (\$67.36 per day per offenders x 365 days) per offender in a state facility. The maximum sentence for a conviction of manslaughter is 40 years.

Note: The Engrossed version of the bill also defines second degree murder as when an offender unlawfully distributes or dispenses directly, or to another who distributes or dispenses, fentanyl or its analogues, which is the direct cause of the death of the recipient who ingested or consumed the dangerous substance. As written, the bill does not address how these offenders shall be sentenced.

REVENUE EXPLANATION

There may be an increase in self-generated revenue to the Department of Public Safety & Corrections - Adult Probation and Parole (probation) to the extent offenders are released after serving 25 years of their sentence. The probation department would realize an increase in fees paid by parolees and probationers. The exact fiscal impact is indeterminable because the number of offenders who may be released and the amount of monthly fees charged is unknown.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>	
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}		<input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}	
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}	Alan M. Boxberger Staff Director