

Department of Planning and Budget 2001 Fiscal Impact Statement

1. Bill Number SB252

House of Origin ☐ Introduced ☐ Substitute ☒ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Reynolds

3. Committee Passed Both houses

4. Title Sentencing for Class 1 misdemeanors.

5. Summary/Purpose:

In cases of trial by jury, upon a finding that the defendant is guilty of a felony or a Class 1 misdemeanor, or upon a finding in the trial de novo of an appealed misdemeanor conviction that the defendant is guilty of a Class 1 misdemeanor, a separate proceeding shall be held as soon as possible before the same jury to ascertain punishment.

6. Fiscal impact estimate: Final, see #8 below.

7. Budget amendment necessary: No.

8. Fiscal implications: There may be some fiscal impact due to the increased length of the trials due to the additional jury proceedings. According to the Office of the Executive Secretary of the Supreme Court, in 1999, there were 533 jury trials of misdemeanors in circuit court. There is no information available of the number of these trials that were for Class 1 misdemeanors, as opposed to lesser misdemeanors. Additional jury deliberations may require more of a judge's time, and whenever there is an increase in demand for judges' time, there may also be an increase in their workload, which may impact the efficiency of a court. If the workload increases to an unacceptable level, then additional judge and clerk positions may need to be added. In addition, since jurors are paid on a per diem basis, there would be an additional impact if sentencing deliberations lasted more than one day.

9. Specific agency or political subdivisions affected: The court system.

10. Technical amendment necessary: No.

11. Other comments: None.

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