

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: SB 122

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Marsden

3. Committee: Senate Courts of Justice

4. Title: Sentencing of juvenile offenders

5. Summary:

Under current law, a life sentence is required for persons convicted of the following offenses:

- a. Willful, deliberate, and premeditated killing of a person, if the offender was under 18 years old at the time of the offense. (For persons over 18 years of age, the death penalty is a statutory option.);
- b. A second or subsequent commission of a specified violent felony sexual assault; and
- c. A third or subsequent commission of certain specified acts of violence.

The proposed legislation would make the following changes if the person was under 18 years of age at the time of the offense:

- a. Willful, deliberate, and premeditated murder would be punishable as a Class 2 felony, for which the penalty is a sentence of 20 years to life.
- b. Second or subsequent violent felony sexual assault—automatic life sentence not applicable. The penalties set out in statute for the several individual offenses in this category would be applicable for juvenile offenders committing a second or subsequent offense.
- c. Third or subsequent act of violence—automatic life sentence not applicable. The penalties set out in statute for the several individual offenses in this category would be applicable for juvenile offenders committing a third or subsequent offense.

6. Budget Amendment Necessary: None.

7. Fiscal Impact Estimates: No state fiscal impact. See Item 8 below.

8. Fiscal Implications:

The proposed legislation could result in a reduction in bed-space needs of the Department of Corrections in future years because some offenders were under 18 years of age at the time the offense was committed and would be given sentences less than life. However, any

reduction is expected to be minimal. For the fiscal years 2003-2012 (the latest year for which data is available), only five persons, who were under 18 years old at the time of the offense, were convicted and sentenced to life for any of the offenses specified in the proposed legislation. All of these convictions were for murder. It is not expected that the number of persons that would be affected by the proposed legislation would increase in the future.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 1/13/2014

Document: G:\LEGIS\fis-14\sb122.docx Dick Hall-Sizemore