

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: SB 1156

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

2. Patron: Edwards

3. Committee: House Courts of Justice

4. Title: Service of habeas corpus

5. Summary:

The proposed legislation sets out who the respondent should be in the case of a petition for a writ of habeas corpus by a person incarcerated or under actual or potential supervision:

- In jail, prison or other actual physical restraint—Director of the Department of Corrections or the warden or superintendent of the state correctional facility where petitioner is housed if sentence is for one year or more; sheriff or superintendent of local or regional jail if sentence is less than one year;
- On probation or parole—probation or parole officer responsible for supervising petitioner or the official in charge of the parole or probation agency;
- Suspended sentence, not under supervision—Local sheriff if judgment of conviction being challenged is less than one year; Director of Department of Corrections if judgment of conviction being challenged is one year or more.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications:

The Office of the Attorney General, which represents the Director of the Department of Corrections, has advised that the bill would not have any fiscal impact. The Division of Risk Management, which already represents sheriffs in habeas cases, does not feel that the bill would have any fiscal impact on it.

9. Specific Agency or Political Subdivisions Affected:

Office of the Attorney General
Division of Risk Management
Sheriffs

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/16/2015

Document: G:\LEGIS\fis-15\sb1156.docx Dick Hall-Sizemore