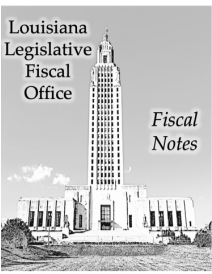


**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



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

<b>Date:</b> April 12, 2021	4:47 PM	<b>Author:</b> JONES
<b>Dept./Agy.:</b> Corrections		
<b>Subject:</b> Elements and sentencing of second degree murder		<b>Analyst:</b> Rebecca Robinson

CRIME OR SEE FISC NOTE GF EX 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 for 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 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 and retroactive application. Proposed law has an effective date of 9/1/21.

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

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

**EXPENDITURE EXPLANATION**

There may be an indeterminable decrease to SGF expenditures for the Department of Safety & Corrections - Corrections Services (DPS&C) to the extent the department releases those offenders convicted of second degree murder and have served at least 25 years of their sentence. 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. For illustrative purposes, DPS&C reports that there are currently 3,474 offenders incarcerated for second degree murder, and 839 of those offenders have served 25 years or more of their sentence and may be eligible for benefit of parole, probation or suspension of sentence under the provisions of proposed law.

**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.

Senate Dual Referral Rules  
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}  
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House  
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}  
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

*Alan M. Boxberger*  
**Alan M. Boxberger**  
**Staff Director**