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FISCAL IMPACT REPORT

SPONSOR: Tinnin DATE TYPED: 02/14/01 HB 350
 SHORT TITLE: Amend "Violent Felony" Definition SB _____
 ANALYST: Rael

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			\$ 1,000.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Department of Public Safety (DPS)
 Administrative Office of the Courts (AOC)
 Attorney General's Office (AGO)
 Public Defender (PD)

SUMMARY

Synopsis of Bill

The Amend "Violent Felony" Definition bill replaces the enumerated list of offenses that constitute a violent felony with a single definition. A "violent felony" means a first or second degree felony that involves the use or threatened use of force or violence. The definition of "great bodily harm" is deleted since the phrase would no longer appear in the section.

Significant Issues

The bill would increase the number of offenses that would constitute a violent felony.

FISCAL IMPLICATIONS

The Public Defender reports that as more defendants face a life sentence, they are more likely to choose trial rather than plea. The department estimates that an additional attorney for each

district office plus an appellate lawyer would be required. Additionally, \$100.0 in contract services

and \$100.0 in for trial support (such as expert witnesses) would be required. The PD estimates that it would require a total of \$1,000.0 as a result of this bill.

The Corrections Department may see increased inmates and therefore increased costs as well.

ADMINISTRATIVE IMPLICATIONS

The AOC reports that it will cost \$400 (four hundred dollars) for statewide update, distribution, and documentation for statutory changes. Any additional impact will be related to any increased caseload or the amount of time required to dispose of cases.

OTHER SUBSTANTIVE ISSUES

The Attorney General believes that, by deleting the rape provisions, it may be more difficult to prove that rape (especially for children under 13) is a violent felony.

On the other hand, the PD reports, the definition is broad enough to include certain crimes that are not usually considered violent crimes, such as possession of a deadly weapon by an inmate. Another significant issue that the PD points out is that the definition does not make an exception for self-defense.

The PD reports that statistics show that 90% defendants are convicted of violent crimes in their 20s and 30s. Many reports suggest that criminals “age out” of violent crime after the age of 40.

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