

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 931 1st Edition Felony Murder/Life Imprisonment

SHORT TITLE: Felony Murder/Life Imprisonment

SPONSOR(S): Senators Kinnaird; Ballance, Lucas, and Martin of Guilford

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

FY 1999-00 FY 2000-01 FY 2001-02 FY 2002-03 FY 2003-04

REVENUES

EXPENDITURES *No immediate fiscal impact. Long term fiscal impact possible from inmates remaining in prison on a life sentence.*

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch, Department of Correction, Department of Justice

EFFECTIVE DATE: Effective when it becomes law.

BILL SUMMARY:

The bill amends the first degree murder statute to provide that punishment for a conviction based solely on the felony murder rule could only be a life sentence. Current law provides for either a life sentence or death penalty.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

The Administrative Office of the Courts (AOC) believes the bill would provide significant savings for the felony murder cases that would have proceeded to a capital trial. Capital trials are expensive due to longer and more complicated jury selection, appointment of two defense attorneys, more rigorous trial preparation and presentation of evidence, and separate jury sentencing trials. However, some felony murder defendants who would have pleaded guilty

to a lesser offense under current law in order to avoid a death sentence would probably proceed to a jury trial under the bill. Trials would be more costly than dispositions by plea. The Fiscal Research Division believes there would not be an increased fiscal impact on the AOC from the bill.

Department of Correction

According to the Sentencing Commission, moving inmates off death row and keeping them in prison for life could have a substantial long-term fiscal impact. During fiscal 1997-98, 22 offenders were sentenced to death. It is unknown how many of these were convicted solely on the basis of the felony murder rule. The age range for these inmates was from 18 to 40. If they lived to age 65, the average time served would be 36.8 years. Based on Department of Correction (DOC) records, twelve inmates have been executed since the passage of the 1977 Death Penalty provision. For the last four inmates, the average time on death row was eight years. Based on the eight years on death row, a life sentence for the 22 offenders instead of death would increase their average time served by 28.8 years.

. The Fiscal Research Division believes that there would be no increased fiscal impact from this bill on the DOC during the five-year period covered in this fiscal note. The cumulative effect over the years, however, could have a long-term impact on prison beds. However, no estimate is available at this time of the number of beds required over the long-term

Department of Justice

This could also reduce the workload of the Department of Justice Criminal Division which represents the state in criminal appeals. However, there would not be a significant fiscal impact.

TECHNICAL CONSIDERATIONS: None

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DATE: Friday, June 04, 1999



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