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S.B. 48
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B.48's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Sen. Eklund

Local Impact Statement Procedure Required: No

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Highlights

- As the result of a relatively small potential statewide increase in the number of persons convicted of a felony and sentenced to prison, there may be: (1) a minimal annual increase in the Department of Rehabilitation and Correction's GRF-funded incarceration costs and (2) a negligible annual revenue gain to the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020) in the form of locally collected state court costs.
- The annual prosecution, indigent defense, and sanctioning costs of a county criminal justice system may minimally increase due to the possibility of a relatively small increase in the number of felony cases brought to trial and subsequent convictions. There may also be a related negligible annual gain in court costs, fees, and fines imposed on offenders by the sentencing court.

Detailed Analysis

The bill provides an additional 14 days to begin a trial after a person charged with a felony has been discharged because the person has not been brought to trial within the required amount of time. Currently, a charged felon must be brought to trial within 270 days after the person's arrest. If the preliminary hearing is not held within that time, the felony charge is dismissed and further criminal proceedings based on the same conduct are dismissed with prejudice, although such situations occur infrequently.

Currently, the previously described outcome generally occurs when a person has been arrested on one or more felony charges on more than one occasion within 270 days of their first charge. This complicates the calculation of the 270-day window and results in charges being dismissed. The bill affords the prosecution an additional two weeks to begin trial proceedings. As noted, these circumstances are relatively infrequent, which means the number

of felony cases that could move forward to trial, result in a conviction, and the imposition of a jail or prison term will be relatively small. Any additional costs to prosecute, defend (if indigent), adjudicate, and sanction offenders will be minimal annually. If the convicted felon spent all, or a considerable portion, of those 270 days in jail awaiting trial, a judge may opt to sentence that offender to time served, thus avoiding a longer jail stay or possible prison term. The number of offenders likely to be sentenced to prison will be extremely small, which means at most a minimal increase in the Department of Rehabilitation and Correction's annual incarceration costs. The marginal cost of adding a relatively small number of offenders to the prison population is between \$3,500 and \$4,000 per inmate.

The potential revenue effects of a relatively small increase in felony convictions will originate from the court costs, fees, and fines that the sentencing court generally is required to impose on the offender. The county will retain the fees and fines, and a portion of the court costs, collected from the offender. Of the court costs collected, \$45 is forwarded to the state, with \$30 being deposited into the Victims of Crime/Reparations Fund (Fund 4020) and \$15 being deposited into the Indigent Defense Support Fund (Fund 5DY0). As the felony matters affected by the bill are relatively small, and collecting payments from offenders can be problematic, the amount of annual revenue that might be gained will be minimal for any given county and negligible for the state.