

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 358

SHORT TITLE: REPEAL REVIEW OF LIFE WITHOUT PAROLE

SPONSOR(S): SENATOR PLEXICO

FISCAL IMPACT:

)	Expenditures:	Increase ()	Decrease ()
	Revenues:	Increase ()	Decrease ()

No Impact ()
No Estimate Available (X)

FUNDS AFFECTED:

General Fund ()	Highway Fund ()
Local Fund ()	Other Fund ()

BILL SUMMARY: "TO REPEAL JUDICIAL REVIEW OF LIFE SENTENCES WITHOUT PAROLE AFTER TWENTY-FIVE YEARS AND EVERY TWO YEARS THEREAFTER." Repeals G.S. Ch.. 14A, Art. 85B, as title indicates.

EFFECTIVE DATE: Effective upon ratification.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Branch

FISCAL IMPACT

<u>FY</u> 95-96	<u>FY</u> 96-97	<u>FY</u> 97-98	<u>FY</u> 98-99
<u>FY</u> 99-00			

EXPENDITURES

RECURRING NO ESTIMATE AVAILABLE

NON-RECURRING

ASSUMPTIONS AND METHODOLOGY: JUDICIAL BRANCH

Repeal review of sentences of life without parole

The proposed legislation repeals Article 85B of G.S. Chapter 15A, effective upon ratification. The one statute in this Article, G.S. 15A-1380.5, entitles a defendant sentenced to life without parole to review of the sentence by a superior court judge after the defendant has served 25 years of imprisonment and every two years thereafter unless the sentence is altered or commuted. The judge must review information listed in the statute (such as the trial record, information from the Department of Correction (DOC), and "any other information" the judge deems appropriate), and make a recommendation to the Governor or an executive agency designated by the Governor regarding whether the sentence should be altered or commuted.

Under SB 358 defendants sentenced to life would have no hope of eventual release. (Under present law, the only hope other than commutation by the Governor lies in the judicial review process that SB 358 repeals). As a result, in some circumstances, there would be more trials because some defendants would have nothing to gain by pleading guilty as charged and nothing to lose by going to trial. The Administrative Office of the Courts predicts that cases involving a life sentence without any possibility of eventual release would become a category of litigation second in complexity and cost only to death cases.

Cases in which the death penalty is being sought would probably not be affected by this bill at the trial court level since these cases are already being defended to the most vigorous extent possible. It is possible that there would be some savings in death cases from the post-trial phases of such cases. If juries are made aware that life without parole means no possibility of release, they may be more willing to impose that sentence rather than death, a decision that could save significant costs routinely incurred for the appellate and post-conviction phases of a death case. On the other hand, there would likely be a costly increase in trials in cases punishable by life without parole where the death penalty is not being sought. It is in these cases where defendants will have nothing to lose by going to trial rather than pleading guilty. However, in such cases defendants may be more willing to plead guilty to a lesser offense (such as second degree murder), if the prosecutor were willing to accept such a plea, which could avoid some trials and offset the increase.

Although the fiscal impact of SB 358 could be very substantial, the Administrative Office of the Courts concluded that they are unable to predict a specific fiscal impact.

SOURCES OF DATA: Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: None

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DATE: May 26, 1995

[FRD#003]



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