



NORTH CAROLINA GENERAL ASSEMBLY

Session 2019

Legislative Fiscal Note

Short Title: Juveniles/Eliminate LWOP/Parole Eligibility.
Bill Number: House Bill 775 (First Edition)
Sponsor(s): Rogers; Hardister; Faircloth; Morey

SUMMARY TABLE

FISCAL IMPACT OF H.B. 775, V.1 (\$ in millions)

	<u>FY 2019-20</u>	<u>FY 2020-21</u>	<u>FY 2021-22</u>	<u>FY 2022-23</u>	<u>FY 2023-24</u>
State Impact					
General Fund Revenue	-	-	-	-	-
<u>Less Expenditures</u>	-	-	-	-	-
General Fund Impact	No Estimate Available - Refer to Fiscal Analysis section				

NET STATE IMPACT	No Estimate Available - Refer to Fiscal Analysis section
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FISCAL IMPACT SUMMARY

Section 2 of the bill would make changes to the sentencing of individuals under age 18 convicted of first degree murder and other serious felonies. It would eliminate sentences of life without parole (LWP) and would make first-degree murder convictions reviewable for parole after an individual served 25 years in prison. In addition, it would require individuals sentenced to more than 15 years to have their sentences reviewed for parole consideration after 15 years. Finally, Section 3 of the proposal would provide that individuals sentenced under the Fair Sentencing Act who were under 18 at the time of the offense shall be considered for parole.

The proposed bill may have a fiscal impact because agencies may realize savings from individuals who are paroled after having served their required sentences. The Fiscal Research Division cannot reasonably estimate the total savings that may result from HB 775.

FISCAL ANALYSIS

Section 2

The Sentencing and Policy Advisory Commission (SPAC) reports that the LWP sentences for first degree murder convictions have been given infrequently over the past 5 years (see table).

First Degree Murder Convictions for Offenders Under Age 18 at Offense

Fiscal Year	Life with Parole	Life without Parole	Total
2013-14	1	2	3
2014-15	5	0	5
2015-16	2	2	4
2016-17	4	0	4
2017-18	5	1	6
Total	17	5	22

Note: Excludes convictions for inchoate offenses (e.g., Attempted First Degree Murder) since they are not subject to life sentences.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 Structured Sentencing Simulation Data

SPAC notes this bill would have no short-term impact. The bill would generate savings if the individual receives a life sentence with parole and then is later paroled due to the changes in this bill. The savings would result in the difference between time served between a life sentence without parole and a life sentence with parole (if the individual is paroled).

The bill also requires individuals sentenced to more than 15 years to be considered for parole after serving 15 years of confinement. SPAC estimates no short-term fiscal impact because the potential prison bed savings that would result if an individual receives parole would only be realized due to the difference in time served. In FY 2018, the average minimum sentence imposed was 225 months (see table).

Fiscal Year	Offenders Under Age 18 at Offense Sentenced to More than 15 Years
2013-14	6
2014-15	11
2015-16	11
2016-17	8
2017-18	15
Total	51

Note: Sentences more than 15 years were measured as minimum sentences imposed that were greater than 180 months.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2014 – FY 2018 Structured Sentencing Simulation Data

The bill would require the Parole Commission to conduct parole hearings for all cases involving juveniles sentenced to life without parole and to hear the case annually if parole is denied. The Commission held 32 hearings between June to December 2018. The Commission held 25 hearings to date for CY 2019. The Commission reports that the hearings take approximately 30 minutes and are typically conducted by video conference. The Parole Commission asserts they may need an additional case analyst, support staff, and a Parole Commissioner should the number of

hearings increase. Fiscal Research (FRD) finds it is unclear, given the current number of hearings, which the changes in this bill would lead to a need for additional Commission personnel.

The Administrative Office of the Courts (AOC) reports the courts may have “minor cost savings” with the elimination of parole determination hearings for minors convicted of first-degree murder. AOC notes the potential pool is too small to have a significant fiscal impact.

Indigent Defense Services (IDS) expects that some savings would result at the trial level during either initial sentencing or post-conviction review. IDS notes there may be potential savings from attorneys no longer having to argue the sentencing judge that life with parole would be a more appropriate sentence than life without parole, but FRD is unable to estimate the savings,

IDS notes that there are 54 pending *Miller* cases (named for the Supreme Court case that ruled juveniles cannot be sentenced to life without parole), and if this bill is enacted, some of the cases would cease to move through the court system. IDS contracts with the North Carolina Prisoner Legal Services (NCPLS) for inmate access to courts. NCPLS estimates that 41 of the 54 cases would proceed to resentencing if the bill does not pass.

IDS does not have information to estimate the average number of hours spent on *Miller* hearings, but reports that some of the recent cases have averaged 250 hours at \$75 per hour. If these cases are typical, the cost per case would be \$18,750 (250 times \$75 equals \$18,750). IDS notes that resentencing cases can be more complex, involving expert testimony and detailed investigation, which would increase costs.

Section 3

SPAC does not expect a fiscal impact on the prison system because the 1,780 inmates sentenced under Fair Sentencing Act (FSA) are currently eligible for parole.

IDS cannot estimate the number of the individuals sentenced under FSA who are currently serving juvenile life without parole sentences or de facto juvenile life without parole sentences and are currently litigating the constitutionality of their sentences.

TECHNICAL CONSIDERATIONS

N/A.

DATA SOURCES

ADMINISTRATIVE OFFICE OF THE COURTS, DEPARTMENT OF PUBLIC SAFETY, OFFICE OF INDIGENT DEFENSE SERVICES, SENTENCING AND POLICY ADVISORY COMMISSION,

LEGISLATIVE FISCAL NOTE – PURPOSE AND LIMITATIONS

This document is an official fiscal analysis prepared pursuant to Chapter 120 of the General Statutes and rules adopted by the Senate and House of Representatives. The estimates in this



analysis are based on the data, assumptions, and methodology described in the Fiscal Analysis section of this document. This document only addresses sections of the bill that have projected direct fiscal impacts on State or local governments and does not address sections that have no projected fiscal impacts.

CONTACT INFORMATION

Questions on this analysis should be directed to the Fiscal Research Division at (919) 733-4910.

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