



NORTH CAROLINA GENERAL ASSEMBLY

Session 2021

Legislative Fiscal Note

Short Title: Juveniles/Eliminate LWOP/Parole Eligibility.
Bill Number: House Bill 424 (First Edition)
Sponsor(s): Representatives Faircloth, Hardister, Rogers, and K. Baker

SUMMARY TABLE

FISCAL IMPACT OF H.B. 424, v.1 (\$ in millions)

	<u>FY 2021-22</u>	<u>FY 2022-23</u>	<u>FY 2023-24</u>	<u>FY 2024-25</u>	<u>FY 2025-26</u>
State Impact					
General Fund Revenue	-	-	-	-	-
<u>Less Expenditures</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
General Fund Impact	No Estimate Available - Refer to Fiscal Analysis section				
NET STATE IMPACT	No Estimate Available - Refer to Fiscal Analysis section				

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 has 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 424.

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, as shown in the following table:

First Degree Murder Convictions for Offenders Under Age 18 at Offense

Fiscal Year	Life with Parole	Life without Parole	Total
2015-16	2	2	4
2016-17	4	0	4
2017-18	5	1	6
2018-19	4	0	4
2019-20	0	0	0
Total	15	3	18

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 2016-20 Structured Sentencing Simulation Data

This bill would have no fiscal impact in the short term. 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. This change would have 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. Offenders who fall into this category are also a relatively small population, as shown in the following table.

Fiscal Year	Offenders Under Age 18 at Offense Sentenced to More than 15 Years
2015-16	11
2016-17	8
2017-18	15
2018-19	9
2019-20	7
Total	50

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2016-20 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. Between calendar year 2018 and 2020 the Commission held, on average, 40 of these types of hearings annually. The Commission has held 13 hearings to date for CY 2021. The Commission reports that the hearings take approximately 30 minutes and are typically conducted by video conference. Fiscal Research finds that any increase in workload of cases as a result of the proposed changes in the bill would occur beyond the next 5 years.

The elimination of parole determination hearings for minors convicted of first-degree murder may result in minor cost savings for the Administrative Office of the Courts (AOC), but because of the size of the potential effect, Fiscal Research finds that any fiscal impact would be insignificant.

The Office of Indigent Defense Services (IDS) expects that it may realize some savings at the trial level during either initial sentencing or post-conviction review. 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 these 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 could increase costs.

Section 3

Section 3 would have no fiscal impact on the prison system because all of the 1,580 inmates sentenced under Fair Sentencing Act (FSA) are currently eligible for parole. Fiscal Research 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 who are currently litigating the constitutionality of their sentences.

TECHNICAL CONSIDERATIONS

N/A.

DATA SOURCES

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

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

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