



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill information:

SB0096 - Create separate definition for persistent felony offender under supervision (Usher, Barry)

Status: As Introduced

- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: SB 96 adds the new definition of “persistent felony offender under supervision” which is the same definition as a persistent felony offender (PFO), with the additional condition that the person is currently an inmate or on felony probation or parole. Under the proposed legislation if the offender is a PFO under supervision, sentencing as a PFO cannot be considered if the third felony includes “criminal possession of dangerous drugs pursuant to 45-9-102, a fourth or subsequent offense of driving under the influence pursuant to 61-8-1002, or failure to register pursuant to Title 46, chapter 23.” The Department of Corrections (DoC) expects no fiscal impact as a result of this bill. The Office of Public Defender may have a fiscal impact

FISCAL ANALYSIS

Assumptions:

Department of Corrections

- When applying the changes in SB 96 to five years of historic data, the changes have the potential to affect the sentence length for about 9 individuals per year. These individuals might have had a reduced sentence under the proposed legislation, which could potentially help to relieve facilities that are already at capacity by opening space for other individuals who are waiting to enter.

Office of Public Defender

- The Office is unable to determine the number of cases that SB 96 would cause to go to a full trial. Therefore, the fiscal impact of the legislation cannot be determined.

3. It is unknown how many bills are seeking to add to the duties of the Office of Public Defender. The fiscal note of each bill is prepared based on the effect of each individual bill. However, when viewed as a package, the cumulative effect of passage of more than one bill would require additional analysis and may require additional resources. OPD may not be able to absorb the work required to defend individuals based upon this legislation.

NO SPONSOR SIGNATURE

Sponsor's Initials

1/6

Date



Budget Director's Initials

1-3-23

Date