

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0294-01  
Bill No.: HB 378  
Subject: Crimes and Punishment; Criminal Procedure  
Type: Original  
Date: February 27, 2001

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(less than \$100,000)	(less than \$100,000)	(less than \$100,000)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 3 pages.

---

**FISCAL ANALYSIS**

ASSUMPTION

Officials from the **Office of the State Courts Administrator, Department of Social Services** and the **Office of Prosecution Services** each assumed the proposed legislation would have no fiscal impact on their respective agencies.

Officials from the **Office of the State Public Defender** assumes that existing staff could provide representation for those few cases arising where indigent persons were charged with rape after three years had passed. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Department of Corrections (DOC)** state this proposal specifies that the statute of limitations for prosecuting a Forcible Rape case is 8 years. Forcible Rape is an unclassified crime. It is at the discretion of the Prosecutor of a case (upon examination and weighing of the crime facts) how they choose to prosecute a rape case and what the defendant will be charged with. When charged as a class A felony, prosecution may be commenced at any time; in other words, the statute of limitations does not apply. In CY 2000 there were 23 admissions to DOC where Forcible Rape was the most serious crime. Of these 23 admissions, only 4 had 5 or more years between the offense and sentence date. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY99 average of \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (FY99 average of \$2.47 per offender, per day).

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

**Oversight** assumes that the conviction and incarceration of only one person would create a minimal fiscal impact of less than \$100,000 annually.

FISCAL IMPACT - State Government

FY 2002  
(10 Mo.)

FY 2003

FY 2004

**GENERAL REVENUE**

RAS:LR:OD (12/00)

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<u>Cost - Department of Corrections Incarceration/Probation costs</u>	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal extends from 3 years to 8 years the time within which forcible rape prosecutions must be commenced.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Social Services  
Department of Corrections



Jeanne Jarrett, CPA  
Director  
February 27, 2001