

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0160-01  
Bill No.: HB 358  
Subject: Courts; Juries  
Type: Original  
Date: March 14, 2005

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>       |                            |                            |                            |
|---|----------------------------|----------------------------|----------------------------|
| FUND AFFECTED   | FY 2006                    | FY 2007                    | FY 2008                    |
| General Revenue   | Less than \$100,000        | Less than \$100,000        | Less than \$100,000        |
|   |                            |                            |                            |
| <b>Total Estimated Net Effect on General Revenue Fund</b> | <b>Less than \$100,000</b> | <b>Less than \$100,000</b> | <b>Less than \$100,000</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2006    | FY 2007    | FY 2008    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated Net Effect on <u>Other</u> State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 4 pages.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2006</b> | <b>FY 2007</b> | <b>FY 2008</b> |
|   |                |                |                |
|   |                |                |                |
| <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> |                |                |                |
|--|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                       | <b>FY 2006</b> | <b>FY 2007</b> | <b>FY 2008</b> |
| <b>Local Government</b>                    | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Office of State Public Defender** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors.

Officials from the **Office of Attorney General (AGO)** did not respond to Oversight's request for fiscal impact. However, in response to a similar proposal from the 2004 Session (HB 1243, LR # 4055-01), officials assumed there would be a cost savings of less than \$100,000 because fewer cases would be subject to the bifurcated trial procedure.

| <u>FISCAL IMPACT - State Government</u>                 | FY 2006<br>(10 Mo.)                          | FY 2007                                      | FY 2008                                      |
|---|--|--|--|
| <b>GENERAL REVENUE FUND</b>                             |  |  |  |
| <u>Savings</u> – Office of Attorney General             |  |  |  |
| Fewer bifurcated trials                                 | Less than<br><u>\$100,000</u>                | Less than<br><u>\$100,000</u>                | Less than<br><u>\$100,000</u>                |
| <b>ESTIMATED NET EFFECT ON<br/>GENERAL REVENUE FUND</b> |  |  |  |
|   | <b><u>Less than</u><br/><u>\$100,000</u></b> | <b><u>Less than</u><br/><u>\$100,000</u></b> | <b><u>Less than</u><br/><u>\$100,000</u></b> |
| <br><u>FISCAL IMPACT - Local Government</u>             |  |  |  |
|   | FY 2006<br>(10 Mo.)                          | FY 2007                                      | FY 2008                                      |
|   | <b><u>\$0</u></b>                            | <b><u>\$0</u></b>                            | <b><u>\$0</u></b>                            |

FISCAL IMPACT - Small Business

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

DESCRIPTION

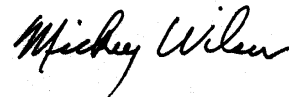
The proposed legislation would eliminate the bifurcated jury sentencing process in which an offender is tried and then sentenced in separate phases of a trial. The court would be required to instruct the jury on the range of authorized punishment, and the jury would be required to assess punishment as a part of their verdict upon a finding of guilt. If the court would find that the jury cannot agree on the punishment, the jury could return its verdict without assessing punishment; and the court would assess punishment.

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

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SOURCES OF INFORMATION

Office of the Attorney General  
Office of State Courts Administrator  
Office of Prosecution Services  
Office of the State Public Defender

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive style with a large initial "M".

Mickey Wilson, CPA  
Director  
March 14, 2005