

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7377**

**BILL NUMBER: SB 236**

**NOTE PREPARED: Jan 5, 2009**

**BILL AMENDED:**

**SUBJECT:** Sentence Enhancement for Feticide.

**FIRST AUTHOR:** Sen. Merritt

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State

**Summary of Legislation:** The bill provides that a person who, while committing murder or felony murder, causes the death of a child in utero may be sentenced to an additional fixed term of imprisonment that is equal to the advisory sentence for murder.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** If an offender is incarcerated in a state correctional facility for a longer period of time, costs of incarceration for the Department of Correction (DOC) would increase. Under the bill an offender, who is convicted of murder for

- (1) Knowingly or intentionally killing another human being, or
- (2) Killing another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct, kidnapping, rape, robbery, human trafficking, promotion of human trafficking, sexual trafficking of a minor, or carjacking;

may be sentenced to an additional fixed term of incarceration equal to the advisory sentence, which would be served after the sentence is completed for the underlying offense.

**Background-** There are four circumstances under which an offender may be convicted of murder, and the bill applies to only two of these circumstances. The penalties for murder include a fixed term of incarceration between 45 to 65 years, the death penalty, or life imprisonment without parole. The bill would increase the term of incarceration for offenders convicted of murder and sentenced to a fixed term of incarceration, only. The midpoint or advisory sentence for this penalty is 55 years.

On October 15, 2008, there were 2,154 offenders serving a sentence for murder. Of these, 1,921 are serving a fixed term sentence and 233 are serving a death or life sentence. There are no data available to indicate the circumstances of the crime to determine if the proposals of the bill would apply to any of these offenders.

The average expenditure to house an adult offender was \$20,287 in FY 2008. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$69,223.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** DOC.

**Local Agencies Affected:**

**Information Sources:** DOC.

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