

**STATE  
FISCAL IMPACT**

**Drafting Number:** LLS 13-0519  
**Prime Sponsor(s):** Rep. Foote  
 Sen. Roberts

**Date:** February 15, 2013  
**Bill Status:** House Judiciary  
**Fiscal Analyst:** Kerry White (303-866-3469)

**TITLE:** CONCERNING CHANGES TO AGGRAVATED SENTENCING PROVISIONS.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures	See State Expenditures section.	
FTE Position Change		
<b>Effective Date:</b> Upon signature of the Governor, or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2013-2014:</b> None required.		
<b>Local Government Impact:</b> None.		

**Summary of Legislation**

As shown in Table 1, this bill makes changes to the sentencing of persons convicted of certain violent crimes by:

- repealing the extraordinary risk sentencing enhancer;
- reducing the mandatory sentence for certain crimes from the midpoint in the presumptive sentencing range to the minimum of the presumptive sentencing range;
- and increasing maximum sentences for class 3 through class 6 felonies.

Crime	Regular Sentencing Range for Crimes, with Midpoint (MP)	Current Extraordinary Risk Enhancer with Midpoint (MP)	Proposed Sentencing Ranges for Crimes with Exceptional Aggravating Circumstances with Midpoint (MP)
Class 2 felony	8-24 years, 16 year MP	16-48 years, 32 year MP	8-48 years, 28 year MP
Class 3 felony	4-12 years, 8 year MP	8-24 years, 16 year MP	4-32 years, 18 year MP
Class 4 felony	2-6 years, 4 year MP	4-12 years, 8 year MP	2-16 years, 9 year MP
Class 5 felony	1-3 years, 2 year MP	2-6 years, 4 year MP	1-8 years, 4.5 year MP
Class 6 felony	12-18 mo., 15 mo. MP	15 mo.-3 years, 26 mo. MP	1-4 years, 2.5 year MP

The bill also makes certain child abuse and stalking crimes a crime of violence rather than extraordinary risk crimes (retaining the same sentencing provisions).

## **State Expenditures**

Overall, this bill has an indeterminate impact on state expenditures because it both increases and decreases lengths of stay in state prisons. Because the exact impact cannot be determined, this analysis assumes the Department of Corrections will address any required adjustments in appropriations through the annual budget process.

***Reductions in prison stays.*** For each of the felony classes described in the bill, more than 75 percent of offenders are serving less than the midpoint. Assuming these offenders stay in the same place in the range, by shifting the sentencing range down, this analysis assumes that offenders will serve less time in prison. However, because sentencing is at the discretion of the court and based on the elements of the specific crime committed, the exact decrease in costs cannot be estimated.

***Increases in prison stays.*** Conversely, the bill increases the maximum sentence for class 3 through class 6 felonies. This could offset the reductions described above in full or in part. Similarly, because sentencing is highly individualized, the exact amount of any increase in costs cannot be determined.

## **Departments Contacted**

Corrections

District Attorneys

Judicial

Local Affairs