## NORTH CAROLINA GENERAL ASSEMBLY LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 1442

SHORT TITLE: First Degree Murder/Guilty Plea

**SPONSOR(S):** Senator Ballantine

FISCAL IMPACT: Expenditures: Increase () Decrease ()

Revenues: Increase () Decrease ()

No Impact (X)

No Estimate Available (X)

FUNDS AFFECTED: General Fund () Highway Fund () Local Fund ()

Other Fund ()

BILL SUMMARY: TO PROVIDE THAT THE DISTRICT ATTORNEY MAY ACCEPT FIRST DEGREE MURDER PLEA AS A NONCAPITAL OFFENSE WITH AGGRAVATING FACTORS. Amends GS 15A-2001 to provide that superior court judges may sentence those persons pleading guilty to offenses punishable by death to life imprisonment without a sentencing hearing by a jury upon a determination that aggravating factors are present.

**EFFECTIVE DATE:** December 1, 1996 and applies to offenses committed on or after that date

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Judicial Department

FISCAL IMPACT

<u>FY</u> <u>FY</u> <u>FY</u> <u>FY</u> <u>FY</u> <u>1996-97</u> 1997-98 1998-99 1999-00 2000-01

EXPENDITURES No Estimate Available

**POSITIONS:** None

ASSUMPTIONS AND METHODOLOGY: Judicial Department

The Administrative Office of the Courts (AOC) does not anticipate that this legislation would have a substantial impact on the Judicial Department. Under existing statutes, the prosecutor has discretion to offer and accept a plea of guilty to second degree murder or a lesser offense for defendants charged with first degree murder. However, in cases where a defendant is guilty of first degree murder with aggravating circumstances, the trial judge must conduct a capital sentencing hearing before a jury. Thus, a prosecutor does not have discretion to accept a plea to a lesser offense in these cases.

The proposed legislation would allow the judge to impose a life sentence following a guilty plea even if aggravating circumstances exist. The AOC

anticipates that some defendants would have an incentive to plead guilty hoping that judges would impose a life sentence. The AOC also believes, however, that many prosecutors would argue against a life sentence in situations with aggravating factors. In these cases, it may be difficult for judges to remove the issue from a jury.

The AOC has no way to estimate how often judges would exercise the authority outlined in this legislation. However, the potential decrease in the number of capital jury trials or jury sentencing hearings could save money and allow more to be devoted to reducing case backlogs. Specifically, this may reduce projected requests for indigent defense funds in capital cases and produce some savings of time for judges, prosecutors, and clerks.

SOURCES OF DATA: Administrative Office of the Courts

## TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Charles Perusse

APPROVED BY: Tom L. Covington/s/TomC

**DATE:** June 18, 1996

Official
Fiscal Research Division
Publication

Signed Copy Located in the NCGA Principal Clerk's Offices