

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT
NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY 2016

SENATE BILL NO. 140

**AN ACT TO ELIMINATE LIFE SENTENCES WITHOUT PAROLE FOR DEFENDANTS
UNDER THE AGE OF EIGHTEEN AT THE TIME OF THE CRIME.**

A prison or jail impact statement has been requested for Senate Bill 140 because the bill eliminates the option of life in prison without parole for defendants under the age of 18 at the time of the offense.

There are two people currently serving life in prison for crimes they committed as juveniles. They are not eligible for parole, and will not be eligible under this bill. Under current law, if a defendant is convicted of a Class A or B felony and sentenced to less than life in prison, their parole is determined by the Class C violent felony column of the parole eligibility grid, which dictates that 50% to 75% of a sentence must be served before a defendant becomes eligible for parole, depending on the defendant's criminal history.

There is an average of one juvenile defendant convicted of murder or manslaughter every year. However, only five juvenile defendants have been sentenced to life imprisonment without parole since 1981, with the last one sentenced in 1999. *Mandatory* life imprisonment without parole is already illegal for juvenile defendants.

Due to the infrequent usage, and longevity of the sentence, the LRC will calculate cost savings per defendant for their entire sentence, rather than cost savings per year or decade. Under the sentencing guidelines constructively created by the bill, the defendant would fall under the sentencing scheme of a Class C felony for purposes of parole. Recent juvenile murder or manslaughter cases indicate an average sentence of approximately 55 years. The average lifespan of a defendant serving life in prison without parole is 54.6 years.

If a defendant is sentenced to 55 years in prison, the defendant would be first eligible for parole after 27.5 years. A defendant sentenced to life imprisonment without parole would not be eligible for this reduction in sentence. Therefore, if we assume a defendant is convicted at 15-years-old and lives to the age of 54 in prison, the defendant will serve 39 years of the his or her sentence at a cost of \$1,072,734. If a defendant is sentenced to 55 years in prison, savings would be a maximum of \$316,319 if released at the earliest possible parole. This estimate is a maximum number, and does not take into consideration many unknowable factors such as when parole might be granted, longer sentences, or the effect of a defendant's criminal history on parole eligibility. If the defendant serves the entire 55 year sentence, there will not be any cost savings. Furthermore, while there is a steady rate of juvenile offenders, juveniles

are only sentenced to life imprisonment without parole every seven years on average, with a substantial gap in recent history—suggesting minimal sentencing activity of this type going forward.

Therefore, it is the opinion of the LRC that the prison or jail impact will likely be a maximum cost savings of \$316,319 per inmate over the course of their sentence, if there is any impact at all. Any savings that might accrue would not begin until at least 27.5 years hence.

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