

BILL SUMMARY
1st Session of the 55th Legislature

Bill No.:	HB1518
Version:	INT
Request Number:	5770
Author:	Rep. Peterson
Date:	1/28/2015
Impact:	Contingent upon conviction rates

Research Analysis

HB 1518 creates the Justice Safety Valve Act. The measure allows the court to depart from the applicable minimum mandatory criminal sentence if the court finds substantial and compelling reasons that the imposition of the minimum mandatory sentence would result in substantial injustice to the defendant and that the minimum mandatory sentence is not necessary for the protection of the public. The measure prevents the court from departing from the minimum mandatory sentence if the crime involved physical force or serious injury to another person, the crime was a sex offence, the crime involved a firearm that caused injury, the defendant was previously convicted for the same offense within the last 10 years, or if the defendant was the leader of others in a continuing criminal enterprise. The measure requires that departures from minimum mandatory sentencing be reported to the Clerk of the Court of Criminal Appeals and be available on the Court of Criminal Appeals website.

Prepared By: Brad Wolgamott

Fiscal Analysis

The proposed measure could have the potential to save the state on incarceration costs. However, this is dependent upon conviction rates and sentencing outcomes.

Prepared By: Joshua Maxey

Other Considerations

Cost of incarceration with the DOC (FT14 Actual Expenditures)		
<u>Type</u>	<u>Daily</u>	<u>Annual</u>
Maximum	100.80	36,791
Medium	47.47	17,328
Minimum	44.01	16,063
Community	46.44	16,950