

Fiscal Note

BILL # SB 1029

TITLE: felony murder; fentanyl; sentencing

SPONSOR: Kern

STATUS: As Introduced

PREPARED BY: Geoffrey Paulsen

Description

The bill would classify as felony murder the cause of death of any person during the course of or immediate flight from an offense involving the possession for sale, manufacture, or transportation of fentanyl. Felony murder is considered first degree murder.

Estimated Impact

The bill would increase costs for the Arizona Department of Corrections (ADC) by extending the time individuals convicted of crimes serve in state prison. Due to a lack of information, however, we are unable to estimate the magnitude of the cost. The fiscal impact would depend on how many individuals are charged under the revised classification, and whether the increased sentences increase the inmate population enough to require the department to procure additional beds. Any impact on inmate population levels would begin in several years as individuals are charged and they move through the legal process.

Neither ADC nor the Administrative Office of the Courts was able to assist with the fiscal impact of the bill. They lack information to quantify how this bill would affect the prison population.

Analysis

Under the definition of felony murder, anyone accused of committing certain violent felonies and drug offenses may be charged with murder if in the course of furthering the offense or immediate flight from the offense, the person causes the death of any person. Felony murder is classified as first-degree murder and is eligible for the death penalty or a term of imprisonment up to life.

Under current law, the crime of possession of a narcotic drug for sale, manufacture of a narcotic drug, or trafficking a narcotic drug is classified as a class 2 felony if the amount of the drug is below the statutory threshold. Statute requires a sentence of 3 to 12.5 years, with a presumptive sentence of 5 years. However, the definition of felony murder may apply if the individual is charged with drug trafficking a narcotic and the amount of the drug exceeds the statutory threshold.

The bill would add possession for sale, manufacture, and trafficking to the felony murder statute if the narcotic is fentanyl and does not require that the amount of the drug exceeds the statutory threshold.

Local Government Impact

The bill could increase county costs for prosecuting offenders under the revised sentencing guidelines due to the potential for additional and more complicated trials. We are unable to estimate the impact in advance.

2/1/23

