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2003 HOUSE JUDICIARY

HB 1188

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1188

House Judiciary Committee

Conference Committee

Hearing Date 1-28-03

Tape Number	Side A	Side B	Meter #
1	x		25-38

Committee Clerk Signature *D. Penrose*

Minutes: 13 members present.

Chairman DeKrey: We will open the hearing on HB 1188.

Rep. Grosz: (see attached testimony) Support. It is not my intent to grow government by over \$30 million as indicated on the fiscal note, but it is my intent to provide the vehicle to discuss the answer to this situation.

Chairman DeKrey: We've heard testimony in this committee over and over, when we raise penalties that it doesn't happen anyway because judges won't do it? Was any of that taken into consideration.

Rep. Grosz: I will dig into that deeper. I am more of an expert in taxation policy than sentencing policy.

Rep. Eckre: I know Texas is written up quite a bit, they have tough sentences, but have a revolving door, you're sentenced but let out early to make room for the new convicts. We don't have enough room in the prisons.

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Rep. Grosz: You are correct, you probably have better answers than I do.

Rep. Bernstein: The fiscal note baffles me, is this the extra time in prison will cost up to \$30 million? What's the purpose behind that.

Chairman DeKrey: I think Dave Krabbenhof can answer that question.

Rep. Delmore: It sounds like you have one person who wanted you to work with. Did you do any research to find out whether others were in the need of the change.

Rep. Grosz: I did ask a couple of law officers from other areas about this bill, and they were shocked at the outcome of it.

Chairman DeKrey: Thank you. Anyone wishing to testify in support? Anyone wishing to testify in opposition?

Dave Krabbenhof, DOCR: I will hand out the fiscal note that goes through that. (see testimony on the fiscal effect). We don't have additional beds at this time. We are at full capacity now.

Rep. Delmore: How much money is spent on each inmate in the penitentiary now?

Mr. Krabbenhof: I don't know, approx. cost per inmate is \$30,000/yr.

Rep. Kretschmar: Do you have any numbers of how many cases where there's a conviction of a felony, that the court imposed the maximum prison sentence.

Mr. Krabbenhof: I don't have it right now, but we can get it to you.

Rep. Klein: How do you use 50 mo. instead of 240 mo. for the maximum sentence, 1/5 of the possible maximum, so if we increased that to 30 years, 360 months, what's the basis for assuming that the average sentence will increase proportionally.

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Mr. Krabbenhof: I guess the basis for taking 50 % is that we had to choose a number, but it was influenced by what's happened to the department over the last 10 years, we've seen changes in the law. So this fiscal note is intended to say that there would be a potential impact on this bill.

Rep. Klemin: I guess for all practical purposes, whether the maximum is 20 years or 30 years, in reality the sentence could be 50 months.

Mr. Krabbenhof: That's true.

Rep. Eckre: I think this fiscal note is fairly conservative.

Chairman DeKrey: Thank you. Anyone else wishing to testify on HB 1188. We will close the hearing.

(The meeting was reopened later in the same session)

Chairman DeKrey: What are the committee's wishes in regard to HB 1188.

Rep. Wrangham: I move a do not pass.

Rep. Maragos: Seconded.

13 YES 0 NO 0 ABSENT

DO NOT PASS

CARRIER: Rep. Bernstein

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Deanna G. [Signature]
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1/28/03
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