

Fiscal Estimate Narratives

DA 3/27/2023

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| LRB Number | 23-2086/1 | Introduction Number | SB-0087 | Estimate Type | Original |
| Description restitution upon conviction of vehicular homicide | | | | | |

Assumptions Used in Arriving at Fiscal Estimate

This fiscal estimate is submitted by the Director of the State Prosecutors Office on behalf of Agency 475 – District Attorneys. This fiscal estimate is responsive only to the fiscal and resource effect of the proposed legislation on the District Attorney program.

Under this bill, if a person is convicted of the crime of homicide by intoxicated use of a vehicle, and the victim of the homicide is a parent of a minor child, the restitution order may include the reasonable and necessary costs of maintenance for each child of the victim until the child turns 18 or until the child turns 19 if the child is still enrolled in high school. When setting restitution payed to a parent or guardian of a victim's child, the court may also consider the financial needs and resources of the child and the surviving parent or guardian, the standard of living that the child is accustomed to, the child's emotional needs and physical and legal custody arrangements, and the reasonable work-related child care expenses of the surviving parent or guardian. Under the bill, this portion of restitution is paid to the surviving parent or guardian of the child instead of to the victim or victim's estate.

Responsive District Attorneys indicated that this would increase the responsibilities of their offices as well as the associated workload. Changing the materiality of information the court may properly consider at restitution hearing will impact the evidence the DA offices need to develop prior to the hearing. Additionally, increasing the financial exposure to defendants at restitution hearing will disincentivize resolution of these cases by plea agreement.

Long-Range Fiscal Implications

This bill would create additional near and long-range workload for District Attorney offices.