

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6004**

**BILL NUMBER:** SB 31

**NOTE PREPARED:** Mar 18, 2013

**BILL AMENDED:** Jan 10, 2013

**SUBJECT:** Habitual Offender Charge Filing Deadline.

**FIRST AUTHOR:** Sen. Head

**FIRST SPONSOR:** Rep. McMillin

**BILL STATUS:** As Passed House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** No Fiscal Impact

**Summary of Legislation:** (Amended) This bill allows an indictment or information to be amended to include a habitual offender charge if the amendment is filed at least 30 days before trial, and permits an amendment to be made at any time if it does not prejudice the substantial rights of the defendant. It provides that if an amendment is made less than 30 days before trial, the court shall grant a continuance to the: (1) state, for good cause shown; or (2) defendant, for any reason. (Current law provides that an amendment of an indictment or information to include a habitual offender charge must be made: (1) not later than ten days after the omnibus date; or (2) upon a showing of good cause, at any time before the trial.)

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** This bill should have no substantive effect on court proceedings.

**Background Information-** Persons who are convicted of a felony and have been convicted of two prior unrelated felonies can be sentenced to an additional term of prison because they are considered "habitual offenders". The Department of Correction (DOC) identified the following offenders as habitual offenders who were committed to DOC in each of the past five calendar years.

<b>Habitual Offenders Committed to DOC by Calendar Year</b>				
<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
316	282	366	332	214

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts with criminal jurisdiction; Prosecuting attorneys office.

**Information Sources:** DOC.

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