

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 940** HLS 10RS 1682
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 6, 2010	8:28 AM	Author: MONTOUCET
Dept./Agy.: Judiciary		Analyst: Matthew LaBruyere
Subject: Jury Trials		

CRIMINAL/JURY TRIALS EG SEE FISC NOTE LF EX Page 1 of 1

(Constitutional Amendment) Permits criminal defendants in certain cases to waive trial by jury with the consent of the prosecutor and court approval

Present constitution permits a criminal defendant, except in capital cases, to knowingly and intelligently waive his right to a trial by jury. Proposed constitutional amendment retains present constitution but requires the waiver to have the consent of the prosecuting attorney and court approval. Proposed constitutional amendment, if approved by the majority of voting electors, shall become effective 20 days after proclamation by the governor that the amendment has been adopted.

EXPENDITURES	2010-11	2011-12	2012-13	2013-14	2014-15	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

REVENUES	2010-11	2011-12	2012-13	2013-14	2014-15	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

There is no anticipated direct material effect on state expenditures as a result of this measure.

No additional funding will be required to include a constitutional amendment on the ballot for the November 2, 2010 election. Since ballot funding costs are included in the FY 11 recommended budget, no additional funding is required. As a regular practice, the Department of State budgets for up to 10 constitutional amendments for the fall statewide elections. There is no anticipated impact to the Judiciary.

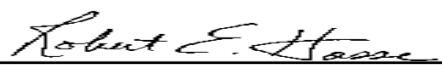
The fiscal impact of the proposed legislation on local fund expenditures is indeterminable. There may be situations where District Attorneys or Judges will not approve consent of the defendant to waive his right to trial and there may be other District Attorneys and Judges that would approve consent. Any cases in which a defendant waives his right to trial by jury, but is not approved by the Judge or District Attorney would increase costs associated with jury trials.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

- Senate
- 13.5.1 >= \$100,000 Annual Fiscal Cost
- 13.5.2 >= \$500,000 Annual Tax or Fee Change

- House
- 6.8(F) >= \$100,000 Annual SGF Cost
- 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease


Robert E. Hosse
 LFO Staff Director