



130th MAINE LEGISLATURE

LD 54

LR 197(01)

An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Newly Discovered Evidence

Preliminary Fiscal Impact Statement for Original Bill

Sponsor: Rep. Evangelos of Friendship

Committee: Judiciary

Fiscal Note Required: Yes

Preliminary Fiscal Impact Statement

| | FY 2021-22 | FY 2022-23 | Projections FY 2023-24 | Projections FY 2024-25 |
|-----------------------------------|-------------|-------------|---------------------------|---------------------------|
| Net Cost (Savings) | | | | |
| General Fund | \$1,692,798 | \$1,758,332 | \$1,807,997 | \$1,859,249 |
| Appropriations/Allocations | | | | |
| General Fund | \$1,692,798 | \$1,758,332 | \$1,807,997 | \$1,859,249 |

Fiscal Detail and Notes

The bill provides that there is no deadline for filing a petition for post-conviction review based on newly discovered evidence. According to information provided by the Judicial Department, this could increase the total number of post-conviction reviews by 5-10%, or about 80 to 159 new cases per year. As a result of the increased caseload, the Judicial Department will require General Fund Appropriations of \$397,452 in fiscal year 2021-22 and \$410,170 in fiscal year 2022-23 to establish one additional Judge, one Deputy Marshal position, one Assistant Clerk position and one part-time Law Clerk position.

Additionally, the Office of the Attorney General will require General Fund appropriations of \$1,098,853 in fiscal year 2021-22 and \$1,151,669 in fiscal year 2022-23 for an additional 7.5 Assistant District Attorney positions, one Assistant Attorney General position and one Research Assistant Paralegal position to handle an anticipated increase in litigation.

The Maine Commission on Indigent Legal Services (MCILS) is currently appointed as counsel for about 79% of post conviction reviews at an average cost of \$2,077 per case. Assuming MCILS will handle an additional 95 post conviction reviews as a result of this bill, MCILS will require ongoing General Fund appropriations of \$196,493.