

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1332-01
Bill No.: HB 901
Subject: Crimes and Punishment; Criminal Procedure; Governor and Lieutenant Governor
Type: Original
Date: May 8, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	\$1,073,967	\$1,246,286	\$1,179,989
Total Estimated Net Effect on <u>All</u> State Funds	\$1,073,967	\$1,246,286	\$1,179,989

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

In response to a similar proposal from a previous legislative session, officials of the **Department of Corrections (DOC)** stated that Missouri has executed 6 offenders each year over a three-year period (1995-97, inclusive.) If this proposal was adopted as law, the death sentences would be commuted to life imprisonment without parole. At the end of each year, the DOC would have the extra six inmates remaining in the maximum-security population that would have been executed under the current law.

	END FY POPULATION	AVERAGE POPULATION	EXECUTION SAVINGS	OPERATING EXPENSE	CONSTRUCTION EXPENSE	TOTAL COST W/ INFLATION
<i>FY 2001</i>	6	3	(44,556)	44,664	0	111
<i>FY 2002</i>	12	9	(44,556)	133,992	0	94,883
<i>FY 2003</i>	18	15	(44,556)	223,320	0	195,340

DOC estimated the executions would have occurred incrementally over the fiscal year. For cost estimates, a snapshot of the midyear average was used to determine the fiscal impact of the operating expense.

Assumptions used to determine cost and rounded to the nearest whole number include:

- ▶ \$7,426 estimated current per-inmate, per-execution cost, with an annual inflation rate of 3%
- ▶ \$40.79 current inmate per-capita costs of a maximum-security facility (PCC/Potosi Correctional Center) with an inflation rate of 3%

Based on assumptions outlined below, the long-range fiscal impact would be as follows:

	END FY POPULATION	AVERAGE POPULATION	EXECUTION SAVINGS	OPERATING EXPENSE	CONSTRUCTION EXPENSE	TOTAL COST W/ INFLATION
<i>FY 2004</i>	24	21	(44,556)	312,648	0	301,740
<i>FY 2005</i>	30	27	(44,556)	401,976	0	414,348
<i>FY 2006</i>	36	33	(44,556)	491,304	0	533,440
<i>FY 2007</i>	42	39	(44,556)	580,632	0	659,306
<i>FY 2008</i>	48	45	(44,556)	669,960	0	792,243
<i>FY 2009</i>	54	51	(44,556)	759,288	0	932,563
<i>FY 2010</i>	60	57	(44,556)	848,616	0	1,080,589
				Total Ten-Year Fiscal Impact:		5,004,564

ASSUMPTION (continued)

Officials of the **State Public Defender (SPD)** stated that State Public Defenders provided representation in an average of 35 death penalty cases over the last two fiscal years. Public Defenders (PD's) are able to provide representation in 3 cases each fiscal year where the client is charged with murder and the death penalty is being sought. Likewise, PD's can provide representation in 18.75 murder cases where the death penalty is not being sought. The average of cost of required experts in a death penalty case is \$20,000 greater than a non-death penalty case. SPD officials assume this proposal would result in a savings of \$1,168,850 in FY02, \$1,441,626 in FY03 and \$1,481,729 in FY04 to the SPD system.

Officials of the **State Courts Administrator** stated that there are relatively few death penalty cases each year. Elimination of the death penalty would result in a small number of complex trials being somewhat less complex, thereby freeing judicial resources to expedite other dockets.

Officials of the **Office of the Governor** and the **Office of the Attorney General** assume this proposal would have no fiscal impact to their agencies.

In response to a similar proposal from a previous legislative session, officials from the **Office of Prosecution Services** assume the proposed legislation would have no fiscal impact to their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2002	FY 2003	FY 2004
	(10 Mo.)		
GENERAL REVENUE FUND			
<u>Savings – State Public Defender (SPD)</u>			
Personal Service (15.25 FTE)	\$383,822	\$472,100	\$483,903
Fringe Benefits	\$127,928	\$157,351	\$161,285
Expense and Equipment	\$73,767	\$91,175	\$93,911
Reduced Expert Testimony	<u>\$583,333</u>	<u>\$721,000</u>	<u>\$742,630</u>
Total <u>Savings</u> – SPD	\$1,168,850	\$1,441,626	\$1,481,729
Costs - Department of Corrections			
Additional incarcerates	<u>(\$94,883)</u>	<u>(\$195,340)</u>	<u>(\$301,740)</u>
ESTIMATED NET EFFECT TO			
GENERAL REVENUE FUND	<u>\$1,073,967</u>	<u>\$1,246,286</u>	<u>\$1,179,989</u>

FISCAL IMPACT - Local Government

FY 2002
(10 Mo.)

FY 2003

FY 2004

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation repeals the death penalty, removes all statutory references to the death penalty, and commutes all death sentences pending as of the effective date of the bill to life sentences without parole.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Public Defender
Department of Corrections
Office of the Attorney General
Office of State Courts Administrator
Office of Prosecution Services
Office of the Governor

NOT RESPONDING: Department of Corrections, Office of Prosecution Services



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Director

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