

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1297-01
Bill No.: SB 321
Subject: Crimes and Punishment; Corrections; Criminal Procedure
Type: Original
Date: February 18, 2009

Bill Summary: The proposal creates a commission to study the death penalty in Missouri and prohibits use of the death penalty for a time period.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Coordinating Board for Higher Education, Missouri House of Representatives, Missouri Senate, Office of the State Public Defender, University of Missouri, Lincoln University, and the University of Central Missouri** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General** assume any potential costs arising from this proposal can be absorbed within existing resources.

Officials from the **Office of Prosecution Services** assume the proposal would have no measurable fiscal impact the Office of Prosecution Services or county prosecutors.

Officials from the **Office of Administration (COA)** assume the proposal would result in costs associated with travel and meal reimbursements for some of the commission members. COA assumes staff support is provided by the Supreme Court and state public universities. COA estimates the travel and meal costs to be approximately \$7,000 in FY10, \$12,000 in FY11, and \$6,000 in FY12.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would create a commission on the death penalty, and impose a moratorium on executions until January 1, 2012. The Supreme Court, along with staff from the state public universities, is to provide assistance to the commission. There will be some, unquantifiable at this time, expenses for Supreme Court staffing. CTS would not expect the cost to exceed \$100,000.

Officials from the **Department of Corrections (DOC)** assume the creation of the commission within the Office of Administration would have no fiscal impact for the DOC. Missouri's last execution was in October of 2005. A federal court injunction has prevented executions in Missouri since 2006 and in June 2007, an appellate court vacated the lower court's order. No executions have been scheduled by MO Supreme Court for the DOC at this time. Given this information, this bill currently has no fiscal impact for the DOC.

DOC currently has 49 capital punishment offenders. If executions were to resume, cost of their incarceration would be offset by one-time execution costs. These offenders normally serve at least ten years (prior to an execution) after being sentenced due to the appeals process.

ASSUMPTION (continued)

Officials from **Missouri State University (MSU)** assume no direct costs can be quantified. There will be costs for collecting data, review/analysis of data, and cost analysis. The bill states the work of the commission will be assisted by the personnel and staff of the state public universities. Any such work requested by the commission would create a cost, but since officials cannot know how much effort would be required of MSU, it is not possible to estimate the cost.

Oversight assumes Missouri State University (MSU) could absorb any costs resulting from the proposal within existing resources. Oversight assumes any significant increase in the workload of MSU would be reflected in future budget requests.

Officials from the Office of the Governor, Southeast Missouri State University, and Truman University did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
GENERAL REVENUE FUND			
<u>Costs</u> – Office of State Courts Administrator			
Supreme Court Staffing	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Costs</u> – Office of Administration			
Expenses of commission members	<u>(\$7,135)</u>	<u>(\$12,230)</u>	<u>(\$6,115)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
 <u>FISCAL IMPACT - Local Government</u>			
	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The proposal creates a ten-member commission to study the death penalty in Missouri. The commission is required to hold public hearings and study all aspects of the death penalty as administered in Missouri, including all cases in which the death penalty was sought.

The commission shall study whether alternatives to the death penalty that ensure public safety and address other social and penological interests. The findings and recommendations of the commission shall be reported to the Governor, the Missouri Supreme Court, and the General Assembly by January 1, 2012.

The proposal prohibits executions from August 28, 2009 to January 1, 2013.

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

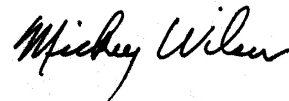
SOURCES OF INFORMATION

Office of the Attorney General
Office of Administration
Coordinating Board for Higher Education
Office of State Courts Administrator
Department of Corrections
Missouri House of Representatives
Office of Prosecution Services
Missouri Senate
Office of the State Public Defender
Lincoln University
Missouri State University
University of Central Missouri
University of Missouri

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NOT RESPONDING

**Office of the Governor
Southeast Missouri State University
Truman University**

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive style with a large, prominent initial "M".

Mickey Wilson, CPA
Director
February 18, 2009