

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5508-03
Bill No.: SB 786
Subject: Attorney General; State Auditor; Corrections Department; Counties; Courts; Crimes and Punishment; Governor; General Assembly; Prisons and Jails
Type: Original
Date: February 29, 2012

Bill Summary: This proposal requires the State Auditor to audit and compare the costs of death penalty cases and first-degree murder cases in which the death penalty is not sought.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	(Unknown)*	(Unknown)*	
Total Estimated Net Effect on General Revenue Fund	(Unknown)*	(Unknown)*	\$0

* Expected to exceed \$1,000,000.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
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 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator**, **Department of Corrections** and **Office of the State Public Defender** each assume the current proposal would not fiscally impact their respective agencies.

Officials from the **Office of the State Auditor (SAU)** estimate that the required duties in relation to this proposal would require 50 FTE to perform the audit of death penalty cases and first-degree murder cases. SAU estimates a cost of \$2.8 million in FY 13, \$3.1 million in FY 14 and \$3.2 million in FY 15.

Officials from the **Attorney General's Office** and **Office of Prosecution Services** did not respond to Oversight's request for fiscal impact.

Oversight assumes that this proposal would require the SAU to audit and compare the costs of 1st degree murder death penalty cases with those in which the death penalty was not sought. Oversight also assumes that SAU would either hire additional employees or out source for the work that would need to be done in order to comply with this legislation.

Since the report must be completed by December 31, 2013, Oversight will assume no costs in FY 15.

According to **Department of Corrections**, there were 89 prisoners admitted to Missouri prisons with the death penalty since 1991. Oversight assumes there would be over 100 death penalty cases since 1977. Therefore, SAU must audit over 200 first degree murder cases for the costs (both direct and indirect) born by the state as well as county governments.

For fiscal note purposes, Oversight will consider the fiscal impact to the state as unknown, but expected to exceed \$1,000,000.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
GENERAL REVENUE FUND			
<u>Costs</u> - Audit the cost of 1 st degree murder cases with the death penalty cases vs. 1 st degree murder cases without.	(Unknown)*	(Unknown)*	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Unknown)*</u>	<u>(Unknown)*</u>	<u>\$0</u>

*Expected to exceed \$1,000,000.

<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<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

This proposal requires the State Auditor to audit the costs of the death penalty. As part of the audit, the Auditor must compare the costs estimated by the auditor to be related to cases in which the death penalty is sought and the costs estimated to be related to first-degree murder cases in which the death penalty is not sought.

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

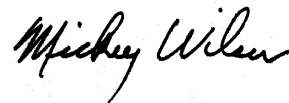
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SOURCES OF INFORMATION

Office of the State Auditor
Department of Corrections
Office of the State Public Defender
Office of the State Courts Administrator

NOT RESPONDING

Attorney General's Office
Office of Prosecution Services

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
February 29, 2012