

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1901-02  
Bill No.: SB 393  
Subject: State Attorney General; Boards, Commissions, Committees, Councils; Courts; Crimes and Punishment; Criminal Procedure; Governor  
Type: Original  
Date: March 4, 2015

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Bill Summary: This proposal establishes a Task Force on the Death Penalty and places a moratorium on the death penalty until January 1, 2018.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(\$15,263)	(\$49,817)	(\$76,220)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$15,263)</b>	<b>(\$49,817)</b>	<b>(\$76,220)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of the Governor** state there should be no added cost to their office as a result of the measure. However, if additional duties are placed on the office related to appointments in other TAFP legislation, there may be the need for additional staff resources in future years.

Officials from the **Department of Corrections (DOC)** state the bill, if enacted, will defer executions for at least three years. In the last three years, there have been 14 executions and, based upon maintaining that rate, it is estimated that in the next three years another 14 offenders will be executed. The overall impact of the bill will be to increase the institutional population by 14 to January 2018. As the bill does not place a moratorium on the appeal process or on decisions to execute, it is possible that if the task force created by the bill reports to continue the death penalty then the 14 offenders could be executed in 2018 and there will be no impact after 2018.

At present there are 34 offenders awaiting execution, of which 19 have been incarcerated at least 10 years and have likely exhausted the appeal process.

The FY14 average cost of supervision is \$6.72 per offender per day or an annual cost of \$2,453 per offender. The DOC cost of incarceration is \$16.725 per day or an annual cost of \$6,105 per offender.

In summary, the DOC assumes an additional cost of \$15,263 (3 persons) in FY 2016, \$49,817 in FY 2017 (8 persons) and \$76,220 in FY 2018 (12 persons) of persons who continue to be incarcerated instead of executed.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

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

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>GENERAL REVENUE</b>			
<u>Costs - DOC - moratorium on execution results in additional persons incarcerated.</u>	<u>(\$15,263)</u>	<u>(\$49,817)</u>	<u>(\$76,220)</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>(\$15,263)</u></b>	<b><u>(\$49,817)</u></b>	<b><u>(\$76,220)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<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 creates the Task Force on the Death Penalty.

The task force includes two members of the House and two members of the Senate, in addition to seven other members. The members must be appointed by December 2, 2015.

This act requires the task force to analyze issues relating to the state's capital punishment system, including the 2012 Missouri Death Penalty Report published by the American Bar Association. In addition, the task force must identify policies to prevent wrongful convictions and promote fairness in the state's capital punishment system.

The task force must report to the Governor, President Pro Tem of the Senate, Speaker of the House, and the Chief Justice of the Missouri Supreme Court by January 1, 2018. The task force expires on the same date.

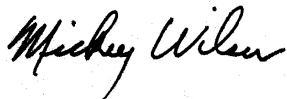
FISCAL DESCRIPTION (continued)

This act places a moratorium on executions from August 28, 2015 to January 1, 2018.

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

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



Mickey Wilson, CPA  
Director  
March 4, 2015

Ross Strobe  
Assistant Director  
March 4, 2015