

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1526-01  
Bill No.: SB 288  
Subject: Courts; Crimes and Punishment; Criminal Procedure; Juries  
Type: Original  
Date: April 11, 2019

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Bill Summary: This proposal modifies provisions relating to jury instructions for the offense of murder in the first degree.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0 or Unknown</b>	<b>\$0 or Unknown</b>	<b>\$0 or Unknown</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</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 2020</b>	<b>FY 2021</b>	<b>FY 2022</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 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials at the **Office of the State Public Defender (SPD)** assume this proposed legislation could have a positive fiscal impact on the SPD. If the jury cannot decide upon punishment, the judge cannot impose a punishment of death. Depending on the number of times this could occur, the SPD would not have a capital appeal, a capital Post Conviction Relief (PCR) or a capital PCR appeal on the limited number of cases where a judge decides the sentence of death in a capital case. Therefore, a cost savings could be possible.

**Oversight** will assume that any savings realized by the SPD could potentially be shifted to other cases. Therefore, Oversight will range the fiscal impact from \$0 to an unknown amount.

Officials at the **Office of the State Courts Administrator**, the **Office of the Attorney General**, the **Department of Corrections** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

**Oversight** notes that the Office of the State Courts Administrator, the Office of the Attorney General, the Department of Corrections and the Office of Prosecution Services each has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

<b><u>FISCAL IMPACT - State Government</u></b>	FY 2020 (10 Mo.)	FY 2021	FY 2022
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**GENERAL REVENUE FUND**

<u>Savings</u> - SPD - potential savings if in certain cases, judges are not allowed to decide the sentence of death	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
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<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>\$0 or Unknown</u></b>	<b><u>\$0 or Unknown</u></b>	<b><u>\$0 or Unknown</u></b>
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<b><u>FISCAL IMPACT - Local Government</u></b>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Currently, if an offender is found guilty of first degree murder, the court is required to instruct a jury that if a punishment is not agreed upon by the jurors, the court shall assess and declare the punishment of life imprisonment without eligibility for probation, parole, or release except by act of the governor or death. This act no longer requires the court to instruct the jury as it relates to the death of the offender.

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

Kyle Rieman  
Director  
April 11, 2019



Ross Strope  
Assistant Director  
April 11, 2019