

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0616S.01I
 Bill No.: SB 196
 Subject: Crimes And Punishment; Sexual Offenses; Courts; Juries; Criminal Procedure;
 Attorneys
 Type: Original
 Date: February 18, 2025

Bill Summary: Estsablishes the penalty of death for certain sexual offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue*	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on General Revenue	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

*Oversight assumes the amount of time and resources spent trying a case that could involve the death penalty for sexual offenses involving a child (for the Office of the State Public Defender and Office of the State Courts Administrator) could exceed the \$250,000 threshold.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Local Government	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

*Costs to local prosecuting attorneys' offices for time and resources spent trying a case that could involve the death penalty for sexual offenses involving a child.

FISCAL ANALYSIS

ASSUMPTION

§566.250 – Death Penalty for Certain Sexual Offenses

Officials from the **Missouri Office of Prosecution Services (MOPS)** state this proposal will have no measurable fiscal impact to MOPS. The addition of the possible penalty of death for the offenses of statutory rape in the first degree or sexual trafficking of a child in the first degree will have a negative fiscal impact on county prosecutors and the circuit attorney although the cost is difficult to determine. The increased costs will arise from the very nature of the complexity of death penalty cases, including need for expert witnesses.

Oversight has no information to the contrary. Oversight assumes no fiscal impact for MOPS but will show a \$0 to (Unknown) fiscal impact to local prosecuting/circuit attorneys.

Officials from the **Office of the State Public Defender (SPD)** state SPD currently has twenty-nine FTE allocated to handle cases in which the State is seeking death as a punishment. The addition of death as a sentencing penalty would require more FTE specially trained in death penalty litigation. The fiscal impact is unknown at this time.

Officials from the **Office of the State Courts Administrator (OSCA)** anticipate that the proposal may impact approximately 300 cases annually and that each impacted case would place significant additional demands on court resources. OSCA does not have sufficient data to estimate the number of FTEs that would be needed. Any significant changes will be reflected in future budget requests.

Oversight notes if the death penalty is not waived by the state, then the trial would proceed in two stages which could involve additional time and resources. Oversight is unsure of the number of cases that could be involved from the provisions of this proposal after August 28, 2024. Therefore, Oversight will reflect a \$0 or unknown cost for this proposal for additional costs of the Office of the State Public Defender and Office of the State Courts Administrator. Oversight assumes costs could exceed \$250,000 annually.

Officials from the **Department of Corrections (DOC)** assume this proposal includes the possibility of the death penalty for statutory rape in the first degree or sexual trafficking of a child in the first degree. Because the rate of execution is low, six from FY 2021 through FY 2023, DOC does not expect significant impact from the possibility of the death penalty in these cases.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek

additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

Officials from the **Missouri Highway Patrol**, the **Department of Health and Senior Services**, the **Department of Mental Health**, and the **Department of Social Services** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
GENERAL REVENUE FUND			
<u>Costs</u> – SPD and OSCA (\$566.250) – increased time and resources needed to try cases involving the death penalty for offenses of statutory rape or sexual trafficking of a child	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
LOCAL GOVERNMENTS – PROSECUTORS/CIRCUIT ATTORNEY			
<u>Costs</u> – Prosecutors/Circuit Attorneys (\$566.250) – increased time and resources to try cases involving the death penalty	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This act provides that the death penalty may be sought for the offenses of statutory rape in the first degree and sexual trafficking of a child in the first degree.

If the death penalty is not waived by the state, the trial shall proceed in two stages before the same trier of fact. In the first stage, the trier shall determine whether the defendant is guilty. In the second stage, if the trier found the defendant guilty of statutory rape in the first degree or sexual trafficking of a child in the first degree, the trier shall assess and determine the punishment.

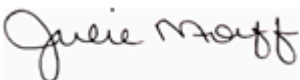
If the trier finds by a preponderance of the evidence that the defendant is intellectually disabled, there is a mitigation of punishment, or the trier decides not to declare a punishment of death, then a punishment at life imprisonment without eligibility for parole shall be declared. If the trier is a jury and it is unable to decide upon the punishment, the judge shall determine the punishment.

This act shall only apply to offenses committed on or after August 28, 2024.

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

Attorney General's Office
Department of Corrections
Office of the State Public Defender
Office of the State Courts Administrator
Missouri Highway Patrol
Department of Health and Senior Services
Department of Mental Health
Department of Social Services
Missouri Office of Prosecution Services



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