

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO. 3927-01  
BILL NO. SB 838  
SUBJECT: Commissions; Death Penalty.  
TYPE: Original  
DATE: January 31, 2000

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue Fund	(Exceeds \$373,693)	(Exceeds \$250,751)	(Exceeds \$175,713)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(Exceeds \$373,693)</b>	<b>(Exceeds \$250,751)</b>	<b>(Exceeds \$175,713)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
<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 LOCAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses  
This fiscal note contains 4 pages.

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**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Office of Attorney General** assume the costs of the proposed legislation could be absorbed with existing resources.

Officials from the **Office of Administration - Division of Budget and Planning (OA)** assume that general revenue will provide funding for the Commission. OA further assumes that the commission would be staffed by an Executive Director (\$50,232) and a Clerk IV (\$25,440) in addition to the necessary expense and equipment for each position. It is assumed that the nine members will meet in Jefferson City four times each during FY 2001 and FY 2002, and twice during FY 2003 which will add travel and hearing-related expenses. It is assumed that the commission will contract for a study to analyze data as outlined in the proposal. OA assumes the cost of the study will be similar to that incurred for the sentencing study, or about \$130,000.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would create a "Commission on the Death Penalty" to study the application of the death penalty and impose a moratorium on carrying out the sentence during the study. Depending upon the information requested of the judiciary and the time required to compile and provide such information, the cost to the judiciary should not be significant.

Official from the **Department of Corrections (DOC)** assume the need for additional capital improvements is not anticipated at this time. It must be noted that the cumulative effect of various legislation, if adopted, could result in the need for additional capital improvements funding if the total number of new offenders or offenders serving longer sentences exceeds current planned capacity.

DOC is unable to ascertain what conclusions may be drawn from the executions study performed by the commission. DOC currently performs six executions per year on behalf of the state, with the offender serving over ten years prior to execution. Current operation costs for incarceration are \$43.49 per inmate, per day at a maximum-security facility of the DOC.

**Oversight** assumes the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC cannot be determined, but would likely be greater than \$100,000.

Officials from the **Department of Labor and Industrial Relations, Joint Committee on Public Employee Retirement, Missouri House of Representatives, Missouri State Employee Retirement System**, and the **Office of State Public Defender** assume the proposed legislation would have no fiscal impact on their agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
<b>GENERAL REVENUE FUND</b>			
<u>Costs - Office of Administration</u>			
Salaries	(\$63,060)	(\$75,672)	(\$37,836)
Fringe Benefits	(19,391)	(23,269)	(11,635)
Expense and Equipment	(191,242)	(51,810)	(26,242)
Total	(\$273,693)	(\$150,751)	(\$75,713)
<u>Costs - Department of Corrections</u>			
Increased beds	(Exceeds \$100,000)	(Exceeds \$100,000)	(Exceeds \$100,000)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b>(Exceeds (\$373,693))</b>	<b>(Exceeds (\$250,751))</b>	<b>(Exceeds (\$175,713))</b>
<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003

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FISCAL IMPACT - Small Business

No direct fiscal impact on small businesses would be expected due to this proposal.

DESCRIPTION

The proposed legislation creates a nine member commission to study all aspects of the death penalty as administered in Missouri. The commission shall hold public hearings, and shall review voluntary manslaughter, murder in the second degree, and murder in the first degree cases committed during or after 1977. Findings and recommendations of the commission shall be contained in a report to the Governor, the General Assembly, and the Missouri Supreme Court by January 1, 2003. The commission shall recommend any changes to the death penalty laws needed to ensure adequacy of trial and appellate counsel, actual guilt of the defendant, elimination of race disparity, fair court procedures, and that prosecuting attorneys utilize similar criteria throughout the state in determining whether to seek the death penalty. No executions shall take place during the commission's period of review, between August 28, 2000 and January 1, 2003.

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 Attorney General  
Office of Administration - Division of Budget and Planning  
Office of State Courts Administrator  
Department of Labor and Industrial Relations  
Joint Committee on Public Employee Retirement  
Missouri House of Representatives  
Missouri State Employee Retirement System  
Office of State Public Defender  
Department of Corrections



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January 31, 2000