

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 4575-01
BILL NO. SB 1072
SUBJECT: Commissions; Death Penalty.
TYPE: Original
DATE: March 6, 2000

FISCAL SUMMARY

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

In response to a similar proposal, officials from the **Office of Attorney General** assumed 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.

In response to a similar proposal, officials from the **Department of Corrections (DOC)** assumed 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**, and the **Office of State Public Defender** assume the proposed legislation would have no fiscal impact on their agencies.

ASSUMPTION (continued)

In response to a similar proposal, officials from the **Missouri House of Representatives** and the **Missouri State Employee Retirement System** assumed 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
GENERAL REVENUE FUND			
<u>Costs - Office of Administration</u>			
Salaries	(\$63,060)	(\$75,672)	(\$37,836)
Fringe Benefits	(19,391)	(23,269)	(11,635)
Expense and Equipment	<u>(191,242)</u>	<u>(51,810)</u>	<u>(26,242)</u>
Total	(\$273,693)	(\$150,751)	(\$75,713)
<u>Costs - Department of Corrections</u>			
Increased beds	(Exceeds \$100,000)	(Exceeds \$100,000)	(Exceeds \$100,000)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	(Exceeds <u>(\$373,693)</u>)	(Exceeds <u>(\$250,751)</u>)	(Exceeds <u>(\$175,713)</u>)

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	0	0	0

FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposed legislation places a moratorium on carrying out the death penalty from August 28, 2000, until January 1, 2003, during which time a commission on the death penalty, created by the bill, is to study all aspects of the death penalty in Missouri. The proposal designates the

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members of the commission and directs it to hold public hearings. The commission's findings, which must include recommendations for corrective amendments to the statutes and court rules,

DESCRIPTION (continued)

are to be available to the Governor, Legislature, and the Supreme Court at the end of the moratorium period.

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 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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Director
March 6, 2000