

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0749-01  
Bill No.: HB 258  
Subject: Crimes and Punishment; Department of Corrections  
Type: Original  
Date: March 13, 2007

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Bill Summary: The proposal repeals the death penalty.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>                   |                                   |                                     |                                     |
|---|-----------------------------------|-------------------------------------|-------------------------------------|
| FUND AFFECTED   | FY 2008                           | FY 2009                             | FY 2010                             |
| General Revenue   | (Unknown) to<br>\$937,605         | (Unknown) to<br>\$1,160,364         | (Unknown) to<br>\$1,195,175         |
|   |                                   |                                     |                                     |
| <b>Total Estimated<br/>Net Effect on<br/>General Revenue<br/>Fund</b> | <b>(Unknown) to<br/>\$937,605</b> | <b>(Unknown) to<br/>\$1,160,364</b> | <b>(Unknown) to<br/>\$1,195,175</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>                      |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2008    | FY 2009    | FY 2010    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated<br/>Net Effect on <u>Other</u><br/>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>                  |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2008    | FY 2009    | FY 2010    |
|   |            |            |            |
|   |            |            |            |
| <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> |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2008    | FY 2009    | FY 2010    |
| General Revenue   | 8.5        | 8.5        | 8.5        |
|   |            |            |            |
| <b>Total Estimated Net Effect on FTE</b>                  | <b>8.5</b> | <b>8.5</b> | <b>8.5</b> |

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |            |            |            |
|--|------------|------------|------------|
| FUND AFFECTED                              | FY 2008    | FY 2009    | FY 2010    |
| <b>Local Government</b>                    | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of the Attorney General** and the **Office of the Governor** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Corrections (DOC)** assume the impact of the proposal is unknown due to a pending court case regarding the application of the death penalty. Currently, all executions in the state are on hold pending the outcome of the court case. Therefore, the DOC cannot estimate what the amount of or timing of any potential fiscal impact would be.

Officials from the **Office of Prosecution Services (OPS)** assume this proposal would not have a significant direct fiscal impact on county prosecutors or the OPS. If, however, the death penalty is in fact a deterrent to the commission of the crime of homicide, and the repeal of the death penalty results in an increase in the number of homicides in this state, any increase in the number of homicide cases would have a significant and adverse direct fiscal impact on county prosecutors.

Officials from the **Office of the State Public Defender (SPD)** assume the average number of death penalty cases in which the SPD provided representation in the last five years was 22. A Public Defender is able to provide representation in just 3 death penalty cases each fiscal year where the client is charged with murder and the prosecutor is seeking the death penalty. Likewise, a Public Defender can provide representation in 18.75 murder cases where the death penalty is not being sought.

The SPD assumes the proposal would result in a reduction of staff levels by 5.5 FTE Assistant Public Defenders (each at \$41,476 per year), 2 FTE Paralegal/Investigators (each at \$25,932 per year), and 1 FTE Clerk (at \$21,564 per year). The SPD would also have a savings in equipment and expense, including expert witness testimony. SPD estimates the total savings to be approximately \$900,000 in FY 08 and \$1,200,000 in subsequent years.

### FISCAL IMPACT - State Government

FY 2008  
(10 Mo.)

FY 2009

FY 2010

## GENERAL REVENUE FUND

### Savings – Office of the State Public Defender

|                            |                  |                  |                  |
|----------------------------|------------------|------------------|------------------|
| Personal Service           | \$258,827        | \$319,910        | \$329,507        |
| Fringe Benefits            | \$117,145        | \$144,791        | \$149,135        |
| Equipment and Expense      | \$62,833         | \$77,663         | \$79,993         |
| Expert Witness Testimony   | <u>\$499,800</u> | <u>\$618,000</u> | <u>\$636,540</u> |
| <u>Total Savings</u> – SPD | \$938,605        | \$1,160,364      | \$1,195,175      |
| FTE Change – SPD           | 8.5 FTE          | 8.5 FTE          | 8.5 FTE          |

### Costs – Department of Corrections

|                     |                  |                  |                  |
|---------------------|------------------|------------------|------------------|
| Incarceration costs | <u>(Unknown)</u> | <u>(Unknown)</u> | <u>(Unknown)</u> |
|---------------------|------------------|------------------|------------------|

### ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

|   |   |   |   |
|---|---|---|---|
|   | <u>(Unknown) to</u><br><u>\$937,605</u> | <u>(Unknown) to</u><br><u>\$1,160,364</u> | <u>(Unknown) to</u><br><u>\$1,195,175</u> |
| Estimated Net FTE Change for General Revenue Fund | 8.5 FTE                                 | 8.5 FTE                                   | 8.5 FTE                                   |

### FISCAL IMPACT - Local Government

|                     |            |            |
|---------------------|------------|------------|
| FY 2008<br>(10 Mo.) | FY 2009    | FY 2010    |
| <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.

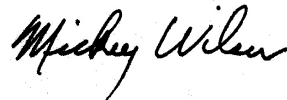
### FISCAL DESCRIPTION

The proposed legislation repeals the death penalty.

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



Mickey Wilson, CPA  
Director  
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