

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1260-01
Bill No.: HB 445
Subject: Administration, Office of; Boards, Commissions, Committees, Councils; Crimes and Punishment
Type: Original
Date: March 9, 2007

Bill Summary: This proposal establishes the Commission on the Death Penalty and places a moratorium on all executions until January 1, 2011.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|----------------------------------|----------------------------------|----------------------------------|
| FUND AFFECTED | FY 2008 | FY 2009 | FY 2010 |
| General Revenue | (Unknown under \$100,000) | (Unknown under \$100,000) | (Unknown under \$100,000) |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | (Unknown under \$100,000) | (Unknown under \$100,000) | (Unknown under \$100,000) |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2008 | FY 2009 | FY 2010 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2008 | FY 2009 | FY 2010 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|--|----------|----------|----------|
| FUND AFFECTED | FY 2008 | FY 2009 | FY 2010 |
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

☐ 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).

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

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Courts Administrator (OSCA)** assume there will be some, unquantifiable at this time, expenses for Supreme Court staffing. OSCA would not expect the cost to exceed \$100,000.

Officials at the **Department of Higher Education (DHE)** assume this bill would not have a direct fiscal impact on DHE. However, Section 565.045.2 requires the assistance of "personnel and staff of the state public universities." As the amount and scope of this assistance is unknown, the cost to public higher education institutions for providing any assistance is also unknown at this time.

Officials at the **Missouri State University (MSU)** assume it is not clear in the bill just what assistance (research or clerical assistance) would be needed and how much. There would costs associated with this assistance, depending on the amount and type of assistance provided. MSU could absorb any space-related costs but not staffing costs.

Certainly faculty with appropriate expertise would be encouraged to work with the commission, but significant research projects by these faculty would take time from other duties and it would need funding. Likewise, any staff requirements expected from the University would need to be funded.

Officials at the **University of Missouri (UM)** assume UM is unable to determine the costs to the University as a result of this proposal.

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Department of Corrections** assume that Missouri is currently under federal court order preventing all executions. It is unknown when this will be resolved or the outcome. Passage of this bill would not currently have fiscal impact as it is not for a permanent moratorium.

Officials at the **Office of the State Public Defender, Administrative Hearing Commission, Metropolitan Community College, Linn State Technical College, Missouri Senate, Lincoln University, University of Central Missouri, Missouri House of Representatives, Office of Prosecution Services** each assume no fiscal impact to their departments from this proposal.

Oversight assumes that this Commission on the Death Penalty is created within the Office of Administration. Oversight assumes that since Office of Administration would oversee this Commission then all expenses for the Commission would be paid for out of general revenue funds.

| | | | |
|---|---------------------|---------|---------|
| <u>FISCAL IMPACT - State Government</u> | FY 2008 (10 Mo.) | FY 2009 | FY 2010 |
|---|---------------------|---------|---------|

GENERAL REVENUE

Cost - General Revenue

Expenses of the Commission on
 the Death Penalty

| | | |
|--------------------------------------|--------------------------------------|--------------------------------------|
| <u>(Unknown under \$100,000)</u> | <u>(Unknown under \$100,000)</u> | <u>(Unknown under \$100,000)</u> |
|--------------------------------------|--------------------------------------|--------------------------------------|

**ESTIMATED NET EFFECT ON
 GENERAL REVENUE**

| | | |
|--|--|--|
| <u>(Unknown under \$100,000)</u> | <u>(Unknown under \$100,000)</u> | <u>(Unknown under \$100,000)</u> |
|--|--|--|

| | | | |
|---|---------------------|---------|---------|
| <u>FISCAL IMPACT - Local Government</u> | FY 2008 (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

This bill places a moratorium on all executions until January 1, 2011, and establishes the Commission on the Death Penalty to study the use of the death penalty. The commission will consist of 10 members, including two members of the Senate, two members of the House of Representatives, the state public defender, the Attorney General, a private criminal defense attorney, a county prosecutor, a family member of a murder victim, and a family member of a person on death row. The commission will hire an executive director.

FISCAL DESCRIPTION (continued)

The commission will make recommendations for changes to the laws and court rules regarding death penalty cases to ensure that:

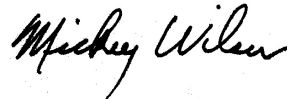
- (1) Defendants who are sentenced to death are in fact guilty of first degree murder;
- (2) Defendants are provided adequate counsel and adequate resources at trial and at the appellate and post-conviction stages;
- (3) Race does not play an impermissible role in determining which defendants are sentenced to death;
- (4) Appellate and post-conviction procedures are adequate to correct errors and injustices occurring at the trial level, including access to evidence for forensic testing; and
- (5) Prosecutors throughout the state seek the death penalty in a uniform fashion.

The commission must issue a report of its findings to the Governor, General Assembly, and Missouri Supreme Court by January 1, 2011.

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

University of Missouri
Office of the State Public Defender
Office of Administration's Administrative Hearing Commission
Metropolitan Community College
Linn State Technical College
Missouri Senate
Department of Higher Education
Office of the State Courts Administrator
Office of the Attorney General
Lincoln University
University of Central Missouri
Missouri State University
Missouri House of Representatives
Office of Prosecution Services
Department of Corrections



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