

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4333-01
Bill No.: HB 1870
Subject: Boards, Commissions, Committees, Councils; Crimes and Punishment;
Administration, Office of
Type: Original
Date: March 29, 2008

Bill Summary: This proposal establishes the Commission on the Death Penalty and places a moratorium on all executions until January 1, 2012.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
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 2009	FY 2010	FY 2011
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 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
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 2009	FY 2010	FY 2011
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

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

Officials at the **Department of Corrections** assume that due to a pending court case regarding the application of the death penalty the impact of this bill is unknown. Therefore the Department cannot estimate what the amount of or timing of any potential fiscal impact would be.

Officials at the **University of Missouri** assume the costs would be tied to the amount of assistance required by the commission. As the level of assistance required increases, the costs to the University will increase. If the University were asked to design the study and do the analysis, the cost in faculty time would be significant.

Officials at the **Missouri State University** assume the cost to be minimal.

Officials at the **Administrative Hearing Commission, Office of the State Public Defender, Linn State Technical College, Lincoln University, Missouri Senate, Department of Higher Education, Metropolitan Community College, University of Central Missouri, Office of Prosecution Services** and the **Missouri House of Representatives** assume that there is no fiscal impact 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 2009 (10 Mo.)	FY 2010	FY 2011
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GENERAL REVENUE

Cost - General Revenue

Expenses of the Commission on the Death Penalty	<u>(Unknown</u> <u>under \$100,000)</u>	<u>(Unknown</u> <u>under \$100,000)</u>	<u>(Unknown</u> <u>under \$100,000)</u>
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**ESTIMATED NET EFFECT ON
GENERAL REVENUE**

<u>(Unknown</u> <u>under</u> <u>\$100,000)</u>	<u>(Unknown</u> <u>under</u> <u>\$100,000)</u>	<u>(Unknown</u> <u>under</u> <u>\$100,000)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
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<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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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, 2012, 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 or his or her designee, the Attorney General or his or her designee, a 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 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 and experienced counsel and adequate resources for the defense of their cases at trial and at the appellate and post-conviction stages;

FISCAL DESCRIPTION (continued)

(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

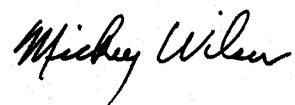
(5) Prosecutors throughout the state seek the death penalty using similar criteria.

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

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



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Director
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