

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5240-01  
Bill No.: HB 1409  
Subject: Crimes and Punishment; Prisons and Jails; Corrections Department; Boards, Commissions, Committees, Councils  
Type: Original  
Date: April 2, 2014

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Bill Summary: This proposal creates the Commission on Lethal Injection Administration and places a moratorium on the death penalty until certain procedures and protocols are adopted and implemented.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	(\$9,065)	\$0	\$0
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$9,065)</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</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).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Office of Administration (OA)** state since the proposed commission would be housed in OA, it is assumed under Sect. 546.725.1(8) that OA would be required to pay actual and necessary expenses incurred by the commission members in the performance of their duties and any expenses related to holding the public hearings. Even though Section 546.725.8 states that the commission will meet at least four (4) times, it is unknown how many total public hearings and/or commission meetings will be held. With the legislation including an emergency clause and the stipulation in Section 546.725.1(8) that the commission be appointed and staffed on or before ten days after enactment, it is assumed that the commission would need to meet at least monthly for the remainder of 2014 in order to meet the deadline for completion of the final report which is December 15, 2014. If the legislation receives passage and is signed into law in July, it is assumed that the commission could meet a total of at least six (6) times to fulfill their duties.

OA assumes the cost for these six meetings for eleven members will total \$9,064.80 in FY 2015.

Officials from the **Department of Insurance, Financial Institutions and Professional Registration (DIFP)** state they believe the provisions of this bill can be handled within their current appropriations. The department assumes the provisions of this bill would be limited to providing support for the chairman of the committee; the Board of Healing Arts and the Board of Pharmacy would provide information pertaining to their applicable statutes, rules and regulations on an as needed basis and would not serve as committee members; and committee members would not be reimbursed for travel expenses and per diem. However, if the intent of the legislation is outside these assumptions and/or the cost and extent of the work be more than anticipated, the department would request additional appropriations and/or FTE through the budget process.

Officials from the **Department of Corrections (DOC)** state this legislation creates an 11-member Commission on Lethal Injection Administration within the Office of Administration and puts a stay on all executions and death penalty sentences.

The fiscal impact of this legislation consists of at least calculating the cost (FY13 average \$18,014 per day) of the continued incarceration of offenders who may have been executed during the portion of CY 2014 in which the commission is meeting. Operationally, depending on the rules established by the commission, the department may have to revise existing procedures and protocols and retrain impacted staff on the new procedures and protocols and this cost is unknown. The current cost (\$32,146) to administer executions may also increase/decrease based

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ASSUMPTION (continued)

on the procedures and protocols established by the commission.

In summary, the potential fiscal impact for the DOC per each year due to passage of this proposal is unknown.

**Oversight** assumes the findings/report of the commission and the potential costs/savings from that report would be an indirect impact of this proposal. Oversight assumes this proposal will not have a direct fiscal impact on the Department of Corrections

Officials from the **Office of the Governor, Office of the State Courts Administrator, Office of Prosecution Services, Office of the State Public Defender,** and the **University of Missouri** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2015	FY 2016	FY 2017
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**GENERAL REVENUE**

<u>Costs</u> - Office of Administration - meeting expense for the Commission on Lethal Injection Administration	<u>(\$9,065)</u>	<u>\$0</u>	<u>\$0</u>
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<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>(\$9,065)</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2015	FY 2016	FY 2017
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	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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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 proposal establishes a Commission on Lethal Injection Administration within the Office of Administration. The commission must:

- (1) Consist of 11 members state and review and analyze all cases in which lethal injection was challenged, the legality of obtaining the drugs to carry out executions by lethal injection, and the efficacy and safety of the drugs used to carry out executions by lethal injection;
- (2) Review Missouri's lethal injection procedures and protocols and how the procedures and protocols are administered by the Department of Corrections;
- (3) Make findings and recommendations as to how the administration of the procedures and protocols may be revised;
- (4) Authorizes the commission to meet as often as necessary, but not fewer than four times, and submit its preliminary report no later than November 3, 2014;
- (5) Requires the commission to submit its final report to the Speaker of the House of Representatives, the President Pro Tem of the Senate, the Governor, and the Department of Corrections no later than December 15, 2014; and
- (6) Requires that until the commission issues its final report of findings and recommendations and appropriate revisions to the procedures and protocols of the Department of Corrections are adopted and implemented, no executions can be carried out, no further death penalty warrants can be signed, and all currently scheduled executions must be stayed.

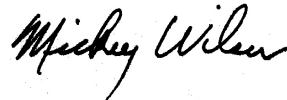
These provisions will expire on December 31, 2014.

The bill contains an emergency clause.

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 Administration  
Department of Corrections  
Office of the Governor  
Office of the State Public Defender  
Attorney General's Office  
Office of Prosecution Services  
Office of the State Courts Administrator  
Department of Insurance, Financial Institutions and Professional Registration  
University of Missouri

A handwritten signature in black ink that reads "Mickey Wilson". The signature is cursive and fluid, with the first name "Mickey" and last name "Wilson" clearly distinguishable.

Mickey Wilson, CPA  
Director  
April 2, 2014

Ross Strobe  
Assistant Director  
April 2, 2014