

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0911H.01I  
Bill No.: HB 278  
Subject: Crimes and Punishment; Mental Health; Civil Procedure; Courts  
Type: Original  
Date: January 14, 2021

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Bill Summary: This proposal modifies provisions relating to murder in the first degree.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
<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.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<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>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Corrections (DOC)** assume this bill seeks to exclude those with serious mental illnesses from receiving a sentence of death.

The death penalty was reinstated in Missouri in 1977 with the first execution occurring in 1989. The average time for executing someone with a death sentence is 10 plus years, which is beyond the scope of fiscal analysis. On the last day of FY 2020, there were 21 offenders awaiting execution. The average age of these offenders was 50 years old. The average age of natural death in prison is 55 years old. Therefore, this group can expect to spend, on average, an additional five years in prison.

There have only been 2 offenders sentenced to death since 2015. The average time for executing someone with a death sentence is 10 plus years, and current rates of execution are very low (2 in FY2020, 0 in FY2019, 0 in FY2018, and 1 in FY2017). Therefore, the resentence from death to a life sentence or other long-term sentence in prison is not likely to have a significant operational impact on the department.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the information as provided by the DOC.

Officials from the **Office of the State Courts Administrator**, the **Attorney General's Office**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Social Services**, the **Missouri Office of Prosecution Services**, the **Office of the State Public Defender** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT –</u> <u>State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT –</u> <u>Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<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.

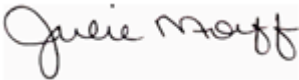
FISCAL DESCRIPTION

This proposal modifies provisions relating to murder in the first degree.

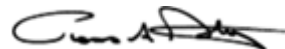
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections  
Office of the State Courts Administrator  
Attorney General's Office  
Department of Health and Senior Services  
Department of Mental Health  
Department of Social Services  
Missouri Office of Prosecution Services  
Office of the State Public Defender



Julie Morff  
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January 14, 2021



Ross Strobe  
Assistant Director  
January 14, 2021