

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3853H.01I
Bill No.: HB 1780
Subject: Crimes and Punishment; Criminal Procedure; Courts
Type: Original
Date: January 17, 2024

Bill Summary: This proposal abolishes the death penalty and specifies that any person sentenced to death must be sentenced to life imprisonment without parole.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on FTE	0	0	0

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Repeals §§546.680, 546.690, 546.700, 546.710, 546.720, 546.730, 546.740, 546.750, 546.800, 546.810, 546.820, 565.005, 565.030, 565.032, and 565.035 and implements §§557.021, 565.004, 565.006, 565.020, and 565.040 – Abolishes the death penalty

Officials from the **Department of Corrections (DOC)** state this proposal abolishes the death penalty and specifies that any person sentenced to death must be sentenced to life imprisonment without parole.

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. There are currently 13 offenders awaiting a death sentence. The average age of these offenders is 53 years old. Ten of the offenders have spent more than ten years in prison and their average age is 52. The average age of natural death in prison is 55 years old; therefore, this group can expect to spend an additional three years in prison. The average age of the remaining three is 58 years old. Finally, the youngest death row offender is 43 and the oldest is 68. New criminal penalties are not addressed in this bill.

Because the rate of execution is low, six from FY 2021 through FY 2023, the department does not expect significant impact from the removal of the death penalty.

Oversight assumes a repeal of the death penalty would not create a material fiscal impact to the state in the three years reflected in the fiscal note. The one-time expense for an execution (\$46,250 per DOC from a 2021 death penalty report) equates to over 4 years of incarceration expense ($\$46,250 / \$9,689 = 4.77$ years).

Officials from the **Office of the State Public Defender (SPD)** state the department currently has twenty-nine FTE allocated to handle cases in which the State is seeking death as a punishment. Elimination of death as a sentencing penalty would allow these FTE to assist trial, appellate and post-conviction offices when the existing staff is unable to provide effective representation to the eligible applicants. The fiscal impact is unknown at this time.

Oversight assumes the SPD would not realize an overall savings from this proposal, but instead would reallocate resources within its operations.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation or investigation.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, the **Office of Administration**, the **Office of the Governor**, the **Office of the State Courts Administrator**, and the **Phelps County Sheriff's Department** 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.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other circuit clerks, county prosecutors, and sheriff's departments were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<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 appears to have no direct fiscal impact.

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

L.R. No. 3853H.011

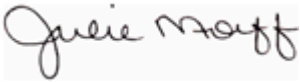
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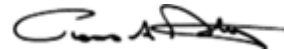
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SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Public Safety - Missouri Highway Patrol
Missouri Office of Prosecution Services
Office of Administration
Office of the Governor
Office of the State Courts Administrator
Office of the State Public Defender
Phelps County Sheriff's Department



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January 17, 2024



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