

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5824H.011
 Bill No.: HB 2153
 Subject: Crimes and Punishment; Criminal Procedure; Courts
 Type: Original
 Date: March 6, 2026

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 2027	FY 2028	FY 2029
General Revenue*	\$0 or (Unknown, could exceed \$250,000)	\$0 or (Unknown, could exceed \$250,000)	\$0 or (Unknown, could exceed \$250,000)
Total Estimated Net Effect on General Revenue	\$0 or (Unknown, could exceed \$250,000)	\$0 or (Unknown, could exceed \$250,000)	\$0 or (Unknown, could exceed \$250,000)

*Due to the repeal of section 546.720, the DOC may face litigation for the release of execution team member information, lethal agents used, protocol etc. The legal issues that will arise from this section being repealed could cost the department in excess of \$250,000 in legal costs to protect this information.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
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 2027	FY 2028	FY 2029
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029
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 2027	FY 2028	FY 2029
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 bill removes sections 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 all of which dictate procedures relating to the death penalty. The bill modifies sections 557.021, 565.004, 565.006, 565.020 and 565.040 by removing language referring to the death penalty.

The repeal of section 546.720 could have a legal impact on the department. Specifically, the sections regarding the confidentiality of execution team members. With the repeal of this section, it will make the continued closure of this information more difficult. There could be litigation regarding the continued closure of this information as well as litigation from medical team members regarding the release of their identities. The DOC assumes an unknown impact to this section that could exceed the \$250,000 threshold.

The bill modifies sections 557.021, 565.004, 565.006, 565.020 and 565.040 by removing language referring to the death penalty.

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 eight offenders awaiting a death sentence. The average age of these offenders is 56 years old. Six of the offenders have spent more than ten years in prison and their average age is 57. The average age of natural death in prison is 55 years old. The average age of the remaining 2 is 55 years old. Finally, the youngest death row offender is 45 and the oldest is 69. New criminal penalties are not addressed in this bill.

Because the rate of execution is low, nine from FY 2023 through FY 2025, the department does not expect significant impact from the removal of the death penalty.

Oversight assumes because the litigation is speculative, the DOC may not incur significant costs related to this proposal. Therefore, Oversight will reflect the DOC's impact as \$0 or (Unknown, could exceed \$250,000) to the General Revenue Fund.

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 ($\$46,250 / \$10,485 = 4.41$ years).

Officials from the **Office of the State Public Defender (SPD)** state the department currently has thirty-two 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.

In response to similar legislation, HB 118 (2025), officials from the **Office of Attorney General (AGO)** assumed any potential litigation costs arising from this proposal can be absorbed with existing resources. However, the AGO may seek additional appropriations if the proposal results in 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, Office of the Governor, Office of Administration, Office of the State Courts Administrator, and Phelps County Sheriff** each assume the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation, HB 118 (2025), officials from the **Missouri Office of Prosecution Services** assumed the proposal will have no fiscal impact on their organization.

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 2027 (10 Mo.)	FY 2028	FY 2029
GENERAL REVENUE			
<u>Cost – DOC (\$546.720) Potential litigation costs p.3</u>	\$0 or (Unknown, could exceed <u>\$250,000</u>)	\$0 or (Unknown, could exceed <u>\$250,000</u>)	\$0 or (Unknown, could exceed <u>\$250,000</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE	\$0 or (Unknown, could exceed <u>\$250,000</u>)	\$0 or (Unknown, could exceed <u>\$250,000</u>)	\$0 or (Unknown, could exceed <u>\$250,000</u>)

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

No direct fiscal impact on small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

REPEALING THE DEATH PENALTY

Currently, the punishment for first degree murder or other class A felonies is either the death penalty or life imprisonment without eligibility for parole. This bill eliminates the punishment of the death penalty. Any person previously sentenced to death will not have his or her sentence modified unless otherwise allowed by law.

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

Attorney General’s Office
 Department of Corrections
 Department of Public Safety - Missouri Highway Patrol
 Office of the Governor

L.R. No. 5824H.01I

Bill No. HB 2153

Page 6 of 6

March 6, 2026

Office of Administration
Office of the State Courts Administrator
Office of the State Public Defender
Missouri Office of Prosecution Services
Phelps County Sheriff



Julie Morff
Director
March 6, 2026



Jessica Harris
Assistant Director
March 6, 2026