

SECOND REGULAR SESSION

SENATE BILL NO. 786

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KEAVENY.

Read 1st time February 13, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5508S.03I

AN ACT

To amend chapter 565, RSMo, by adding thereto one new section relating to requiring the state auditor to audit the costs of administering the death penalty.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 565, RSMo, is amended by adding thereto one new section, to be known as section 565.042, to read as follows:

565.042. 1. The state auditor shall audit the costs of administering the death penalty and compare costs, both direct and indirect, born by county and state governments in the prosecution and defense of all homicide cases filed on or after January 1, 1977, in which a death sentence was sought and in an equal number of cases of first degree murder in which a death sentence was not sought. In selecting the cases in which a death sentence was not sought, the audit shall use a scientific method of random sampling including all cases filed on or after January 1, 1977. The sampling shall have geographic representation across the state based on population distribution.

2. The costs examined and compared under subsection 1 of this section shall include the following:

(1) The costs to the attorney general's office for staff salaries, benefits, and operating expenses estimated by the auditor to be related to death penalty and first-degree murder cases in which the death penalty was not sought, including any contracts for assistance;

(2) The costs to the department of corrections for staff salaries, benefits, and operating expenses estimated by the auditor to be related to housing inmates found guilty of first degree murder and sentenced to life without parole and the costs of housing inmates sentenced to death and carrying out the death penalty, including any contracts for

22 assistance;

23 (3) The costs to counties for staff salaries and other expenses
24 estimated by the auditor to be related to the prosecution of death
25 penalty and first degree murder cases in which the death penalty was
26 not sought, and in preparing for the presentation of aggravating and
27 mitigating circumstances with respect to sentencing proceedings in
28 death penalty cases, including, but not limited to, expert witness fees,
29 additional investigations, and contracts for assistance;

30 (4) The costs to the Missouri state public defender system for
31 staff salaries, benefits, and operating expenses estimated by the auditor
32 to be related to the defense of death penalty and first degree murder
33 cases in which the death penalty was not sought; and

34 (5) The costs to the supreme court, court of appeals, and district
35 courts, and the federal courts for staff salaries, benefits, and operating
36 expenses estimated by the auditor to be related to the disposition of
37 death penalty and first degree murder cases in which the death penalty
38 was not sought.

39 3. The audit shall be completed and reported to the governor,
40 members of the general assembly, and the Missouri supreme court by
41 December 31, 2013.

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