

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0141-01  
Bill No.: SB 61  
Subject: Attorney General; Auditor, State; Corrections Department; Counties; Courts; Crimes and Punishment; Governor; General Assembly; Prisons and Jails  
Type: Original  
Date: January 22, 2013

Bill Summary: This proposal requires the State Auditor to compare the cost of death penalty cases and first-degree murder cases in which the death penalty is not sought.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(\$76,470)	(\$92,682)	\$0
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$76,470)</b>	<b>(\$92,682)</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<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 4 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</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 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
General Revenue	1 FTE	1 FTE	0 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>	<b>0 FTE</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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Office of the State Auditor (SAU)** estimate that the required duties in relation to this proposal would require 2 FTE to perform this one-time comparison between the cost of the death penalty cases and first-degree murder cases in which the death penalty is not sought. One FTE would be at the Senior Auditor level and one FTE would be at the Staff Auditor I level.

**Oversight** assumes that this proposal would require the SAU to research and compare the costs of 1<sup>st</sup> degree murder death penalty cases with those in which the death penalty was not sought. Oversight also assumes SAU would only require one additional employee to perform this one-time audit. Since the report must be completed by June 30, 2015, Oversight will assume no costs in FY16.

Officials from the **Office of the State Courts Administrator, Office of the State Public Defender, Office of Prosecution Services** and the **Department of Corrections** each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Attorney General's Office** did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
<b>GENERAL REVENUE</b>			
<u>Cost - SAU</u>			
Personal Service	(\$50,000)	(\$60,600)	\$0
Fringe Benefits	(\$24,470)	(\$32,082)	\$0
Expense and Equipment	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Cost - SAU</u>	<u>(\$76,470)</u>	<u>(\$92,682)</u>	<u>\$0</u>
FTE Change - SAU	1 FTE	1 FTE	\$0
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE</b>	<b><u>(\$76,470)</u></b>	<b><u>(\$92,682)</u></b>	<b><u>\$0</u></b>
Estimated Net FTE Change for the General Revenue Fund	1 FTE	1 FTE	0 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<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 requires the State Auditor to audit the costs of the death penalty. As part of the audit, the Auditor must compare the costs estimated to be related to cases in which the death penalty is sought and the costs estimated to be related to first-degree murder cases in which the death penalty is not sought.

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 the State Auditor  
Department of Corrections  
Office of the State Public Defender  
Office of the State Courts Administrator  
Office of Prosecution Services

**Not Responding:**

Attorney General's Office



Ross Strope  
Acting Director  
January 22, 2013