

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0422-01
Bill No.: SB 55
Subject: Crimes and Punishment; Criminal Procedure; Boards, Commissions, Committees,
Counsels; Department of Corrections
Type: Original
Date: February 5, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue Fund	(Exceeds \$377,590)	(Exceeds \$255,423)	(Exceeds \$178,049)
Total Estimated Net Effect on <u>All</u> State Funds	(Exceeds \$377,590)	(Exceeds \$255,423)	(Exceeds \$178,049)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Governor's Office, Missouri House of Representatives, and the Office of State Public Defender** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Attorney General** assume the costs of the proposed legislation could be absorbed with existing resources.

Officials from the **Missouri Senate** assume there should be significant expenses associated with this bill, but do not foresee any direct impact on their agency.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would have no fiscal impact on their agency. On a similar proposal from the 2000 session (SB 838), CTS assumed the proposed legislation would create a "Commission on the Death Penalty" to study the application of the death penalty and impose a moratorium on carrying out the sentence during the study. Depending upon the information requested of the judiciary and the time required to compile and provide such information, the cost to the judiciary should not be significant.

Officials from the **Department of Corrections (DOC)** assume they are unable to ascertain what conclusions may be drawn from the executions study performed by the sentencing advisory commission. The DOC currently performs six executions per year on behalf of the state, with the offender serving over ten years prior to execution. Current operation costs for incarceration are \$43.49 per inmate, per day at a maximum-security facility of the DOC.

The DOC assumes the need for additional capital improvements is not anticipated at this time. It must be noted that the cumulative effect of various legislation, if adopted, could result in the need for additional capital improvements funding if the total number of new offenders or offenders serving longer sentences exceeds current planned capacity. Estimated construction cost for one new maximum-security inmate bed is \$55,000 (FY99 cost). Utilizing this per-bed cost provides for a conservative estimate by the DOC, as entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

Oversight assumes the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC cannot be determined, but would likely be greater than \$100,000.

ASSUMPTION (continued)

Officials from the **Office of Administration - Division of Budget and Planning** assume the proposed legislation would have no fiscal impact on their agency. In response to a similar proposal from the current session (SB 68), officials from the **Office of Administration - Division of Budget and Planning (OA)** assume that general revenue will provide funding for the Commission. OA further assumes that the commission would be staffed by an Executive Director (\$51,252) and a Clerk IV (\$26,460) in addition to the necessary expense and equipment for each position. It is assumed that the nine members will meet in Jefferson City four times each during FY 2002 and FY 2003, and twice during FY 2004 which will add travel and hearing-related expenses. It is assumed that the commission will contract for a study to analyze data as outlined in the proposal. OA assumes the cost of the study will be similar to that incurred for the sentencing study, or about \$130,000.

Oversight assumes DOC will incur similar personnel, expense, and equipment costs for this proposal because this proposal specifically creates the commission within the DOC.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
GENERAL REVENUE FUND			
<u>Costs - Department of Corrections (DOC)</u>			
Salaries	(\$64,760)	(\$77,712)	(\$38,856)
Fringe Benefits	(\$21,585)	(\$25,901)	(\$12,951)
Expense and Equipment	(\$191,245)	(\$51,810)	(\$26,242)
Incarceration/Probation costs	(Exceeds <u>\$100,000</u>)	(Exceeds <u>\$100,000</u>)	(Exceeds <u>\$100,000</u>)
Total <u>Costs</u> - DOC	(Exceeds <u>\$377,590</u>)	(Exceeds <u>\$255,423</u>)	(Exceeds <u>\$178,049</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	(Exceeds <u>\$377,590</u>)	(Exceeds <u>\$255,423</u>)	(Exceeds <u>\$178,049</u>)
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

No direct fiscal impact on small businesses would be expected due to this proposal.

DESCRIPTION

BLG:LR:OD (12/00)

The proposal would create a nine-member commission on the death penalty, within the Department of Corrections, to study all aspects of the death penalty as administered in Missouri. The commission would hold public hearings and review voluntary manslaughter, murder in the second degree, and murder in the first degree cases committed during or after 1977. The commission would report findings and recommendations in a report to the Governor, the General Assembly, and the Missouri Supreme Court by January 1, 2004. The commission would recommend changes to the death penalty laws to ensure adequacy of trial and appellate counsel, actual guilt of the defendant, elimination of race disparity, fair court procedures, and that prosecuting attorneys utilize similar criteria throughout the state in determining whether to seek the death penalty. No executions would take place during the commission's period of review, between August 28, 2001 and January 1, 2004.

This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space. The proposal would not affect Total State Revenue.

SOURCES OF INFORMATION

Office of Attorney General
Office of Administration - Division of Budget and Planning
Office of State Courts Administrator
Missouri House of Representatives
Missouri Senate
Office of State Public Defender
Department of Corrections
Governor's Office



Jeanne Jarrett, CPA
Director

February 5, 2001