

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0640-01  
Bill No.: SB 192  
Subject: Crimes and Punishment: Criminal proceedings involving mental illness  
Type: Original  
Date: January 25, 2001

**FISCAL SUMMARY**

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

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<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 LOCAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>Less than (\$100,000)</b>	<b>Less than (\$100,000)</b>	<b>Less than (\$100,000)</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 3 pages.

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Department of Public Safety - Missouri State Highway Patrol, Office of State Courts Administrator, Office of the State Public Defender, and the Metropolitan Police Department of the City of St. Louis** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Department of Mental Health (DMH)** assume the proposed legislation would create no additional duties for the Department. DMH currently provides psychological evaluations on all defendants in murder trials.

Officials from the **Office of Attorney General** assume the costs of the proposed legislation can be absorbed by their agency.

Officials from the **Office of Prosecution Services** assume the costs of the proposed legislation due to increased hearings and caseload is unknown, but is not expected to exceed \$100,000.

Officials from the **Department of Corrections (DOC)** assume the fiscal impact due to passage of this proposal would occur after the average ten-year-plus time served by death-row inmates prior to execution, and is, therefore, beyond the scope of this fiscal note. 12% of the inmate population in CY2000 had an IQ of 75 or lower, but not all inmates convicted of Murder 1 receive the death penalty. It is unknown how many offenders the court would determine to be mentally retarded and that could possibly have received the death penalty, but DOC assumes it would be a small percentage.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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**POLITICAL SUBDIVISIONS**

<u>Costs to Prosecutors</u>	<b><u>Less than</u></b> <b><u>(\$100,000)</u></b>	<b><u>Less than</u></b> <b><u>(\$100,000)</u></b>	<b><u>Less than</u></b> <b><u>(\$100,000)</u></b>
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FISCAL IMPACT - Small Business

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

DESCRIPTION

This proposal would prohibit the admission at trial of any evidence which was obtained during the custodial interrogation of a person with mental retardation, unless that person's attorney was present. The interrogator must make reasonable efforts to notify the person's parents or certain others prior to any interrogation.

The proposal also prohibits capital punishment of a defendant with mental retardation who is charged with murder in the first degree. A judge shall make the determination of mental retardation outside the hearing of the jury.

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 Attorney General  
Office of State Courts Administrator  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Mental Health  
Department of Corrections  
Department of Public Safety - Missouri State Highway Patrol  
Metropolitan Police Department of the City of St. Louis



Jeanne Jarrett, CPA  
Director

January 25, 2001