

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6441-01
Bill No.: HB 2509
Subject: Crimes and Punishment; Criminal Procedure; Courts; Mental Health
Type: Original
Date: April 5, 2018

Bill Summary: This proposal provides that a person cannot be sentenced to death if he or she raises the issue that he or she suffered from a serious mental illness at the time of the commission of the offense.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Courts Administrator** assume there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials at the **Office of the Attorney General (AGO)** assume that any potential costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if there is a significant increase in litigation.

Officials at the **Department of Corrections (DOC)** assume little to no fiscal impact from this proposal. This bill seeks to exclude those with serious mental illnesses from receiving a sentence of death. Although DOC mental health codes do not speak to specific mental illnesses, their needs are categorized from 1-5, 5 being severe impairment. A current distribution shows that 20% of death row offenders received a 1, 44% a 2, 28% a 3, and 4% a 4 or no rating. Clearly, 76% have some degree of mental health impairment.

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 25 offenders awaiting a death sentence. The average age of these offenders is 48 years old. Twelve of the offenders have spent more than ten years in prison and their average age is 50. The average age of natural death in prison is 55 years old, therefore this group can expect to spend an additional five years in prison. The average age of the remaining 13 is 46 years old and they can expect to spend an additional nine years in prison. Finally, the youngest death row offender is 32 and the oldest is 62. New criminal penalties are not addressed in this bill.

Officials at the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Social Services**, the **Office of the State Public Defender** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<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

The proposed legislation appears to have no direct fiscal impact.

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 Courts Administrator
Office of the Attorney General
Department of Corrections
Department of Health and Senior Services
Department of Mental Health
Department of Social Services
Office of the State Public Defender
Office of Prosecution Services

Ross Strobe



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