

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3403H.01I  
Bill No.: HB 1846  
Subject: Crimes and Punishment; Criminal Procedure; Courts  
Type: Original  
Date: January 23, 2024

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Bill Summary: This proposal abolishes the death penalty and specifies that any person sentenced to death must be sentenced to life imprisonment without parole.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<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.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</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 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Repeals §§546.680, 546.690, 546.700, 546.710, 546.720, 546.730, 546.740, 546.750, 546.800, 546.810, 546.820, 565.005, 565.030, 565.032, and 565.035 and implements §§557.021, 565.004, 565.006, 565.020, and 565.040 – Death penalty

Officials from the **Department of Corrections (DOC)** state 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 13 offenders awaiting a death sentence. The average age of these offenders is 53 years old. Ten of the offenders have spent more than ten years in prison and their average age is 52. The average age of natural death in prison is 55 years old; therefore, this group can expect to spend an additional three years in prison. The average age of the remaining three is 58 years old. Finally, the youngest death row offender is 43 and the oldest is 68. New criminal penalties are not addressed in this bill.

Because the rate of execution is low, six from FY 2021 through FY 2023, the department does not expect significant impact from the removal of the death penalty.

**Oversight** assumes a repeal of the death penalty would not create a material fiscal impact to the state in the three years reflected in the fiscal note. The one-time expense for an execution (\$46,250 per DOC from a 2021 death penalty report) equates to over 4 years of incarceration expense ( $\$46,250 / \$9,689 = 4.77$  years).

Officials from the **Office of the State Public Defender (SPD)** state they currently have twenty-nine FTE allocated to handle cases in which the state is seeking death as a punishment. Elimination of death as a sentencing penalty would allow these FTE to assist trial, appellate and post-conviction offices when the existing staff is unable to provide effective representation to the eligible applicants. The fiscal impact is unknown at this time.

**Oversight** assumes the SPD would not realize an overall savings from this proposal but instead would reallocate resources within its operations.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. However, the AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, the **Office of Administration**, the **Office of the Governor**, the **Office of the State Courts Administrator**, and the **Phelps County Sheriff’s Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other circuit clerks, county prosecutors, and sheriff’s departments were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

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

Attorney General’s Office  
 Department of Corrections  
 Department of Public Safety - Missouri Highway Patrol  
 Office of Administration  
 Office of the Governor  
 Missouri Office of Prosecution Services  
 Office of the State Courts Administrator

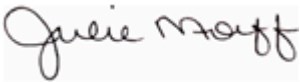
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Office of the State Public Defender  
Phelps County Sheriff's Department

A handwritten signature in black ink that reads "Julie Morff". The signature is written in a cursive style and is placed on a light gray rectangular background.

Julie Morff  
Director  
January 23, 2024

A handwritten signature in black ink that reads "Ross Strobe". The signature is written in a cursive style.

Ross Strobe  
Assistant Director  
January 23, 2024