

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: January 27, 2015

Agency Submitting: Department of Health and Human Services, Director's Office

Items of Revenue or Expense, or Both	Fiscal Year 2014-15	Fiscal Year 2015-16	Fiscal Year 2016-17	Effect on Future Biennia
Capital Case Relief (Expense)		\$41,099,786	\$41,099,786	\$82,199,572
Total	0	\$41,099,786	\$41,099,786	\$82,199,572

Explanation

(Use Additional Sheets of Attachments, if required)

Passage of BDR 14-467 would result in the requirement of the Office of the State Public Defender to bear the costs of providing legal representation to an indigent person in a capital case, which is defined as a criminal case in which the most serious crime charged is a felony for which the death penalty may be imposed. This requirement would have a fiscal impact on the Office of the State Public Defender as the requirement would be to bear the costs for all counties within the state.

The projected costs associated with the requirements of this BDR would be \$708,617 per capital case x 58 cases per year = \$41,099,786 per year. The amount used for the cost per case was found in a Performance Audit of the Fiscal Costs of the Death Penalty conducted by the Legislative Counsel Bureau. The total number of cases per year was provided by staff at the Administrative Office of the Courts and represents the current number of capital cases in the state. Note that the cost summary includes the total of death penalty cases, including the cost of incarceration. The per case amount used excludes the cost of incarceration.

The BDR indicates "after the appropriation for expenses is exhausted, money must be allocated to the Office of State Public Defender from the Reserve for Statutory Contingency Account".

Name Bonnie Long

Title ASO III

DEPARTMENT OF ADMINISTRATION'S COMMENTS

Date Thursday, January 22, 2015

The agency's response appears reasonable.

Name Julia Teska

Title Director