

**FISCAL NOTE**

	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>NON-ADMINISTRATIVE IMPACT</b>			
Anticipated Revenue (decrease)			
COUNTY CONTRIBUTION-EXCEPTION FUNDS	(\$37,500)	(\$37,500)	(\$37,500)
COUNTY CONTRIBUTION-COURT ORDERED CASES	(\$71,250)	(\$71,250)	(\$93,750)

Source of revenue (decrease):

Under W.S. 7-6-113, the State Public Defender appropriation is funded 85% with state and federal funds and 15% with augmenting revenues collected from each county. This split in funding applies to capital cases as well. By eliminating the death penalty as a potential punishment, the State Public Defender would not be required to staff and fund capital cases, which would translate into less revenue required to be contributed by the counties.

Assumptions:

The financial amounts specified reflect estimated costs to the counties for current or anticipated budget needs for capital cases: \$725,000 for each year of the FY 2019-2020 biennium and \$875,000 for FY 2021. These amounts account for the agency's standard budget level of \$500,000 each biennium as well as anticipated carryover capital case appropriations from the FY 2017-2018 biennium (estimated at \$950,000) and an expected need for approximately \$1,250,000 additional funds through FY 2021 due to a current court ordered capital case.

	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>NON-ADMINISTRATIVE IMPACT</b>			
Anticipated Expenditure (decrease)			
GENERAL FUND-EXCEPTION FUNDS	(\$212,500)	(\$212,500)	(\$212,500)
GENERAL FUND-COURT ORDERED CASES	(\$403,750)	(\$403,750)	(\$531,250)
COUNTY CONTRIBUTION-EXCEPTION FUNDS	(\$37,500)	(\$37,500)	(\$37,500)
COUNTY CONTRIBUTION-COURT ORDERED CASES	(\$71,250)	(\$71,250)	(\$93,750)

Source of expenditure (decrease):

By eliminating the death penalty as a potential punishment, the State Public Defender would not be required to staff and fund capital cases, which would translate into expenditure decreases to both the state and county governments.

Assumptions:

The financial amounts specified reflect estimated costs to the counties for current or anticipated budget needs for capital cases: \$725,000 for each year of the FY 2019-2020 biennium and \$875,000 for FY 2021. Some of the expenditure decrease reflected above could be considered administrative cost, but is reflected on the fiscal note for simplicity.

The State Public Defender states that the estimated amounts are provided based on currently anticipated expenditures through FY 2021. However, the need to staff and funds capital cases, with responsibilities that are complex, numerous, heightened and greater than cases with lesser punishments, may vary from year-to-

year. If more than one capital case is assigned to the agency and/or is extraordinarily complex, the agency would likely need to request additional funds through the B-11 process or through a supplemental budget request.

The Department of Corrections (DOC) states that currently there are no inmates in the custody of the DOC sentenced to death. There is also no way to accurately predict the number of individuals sentenced pursuant to the proposed bill. Each year of incarceration, per inmate, currently costs the State approximately \$41,537, including medical costs.

The fiscal impact to the judicial system is indeterminable due to an unknown number of cases.

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