TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE

FISCAL NOTE

SB 3111 - HB 3726

February 19, 2010

SUMMARY OF BILL: Removes the death penalty as a possible punishment for first degree murder.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - $538,500/Incarceration*

Other Fiscal Impact – There will be a decrease in state expenditures exceeding $765,000 as a result of abolishing the death penalty. The estimated cost of each execution exceeds $15,000 and the cost to the state for trials and appeals associated with death-sentenced offenders exceeds $750,000 for each case. These additional costs will not be incurred by the State.

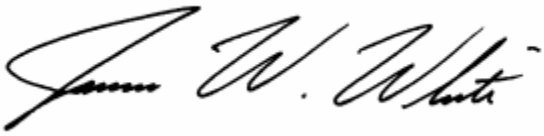
Assumptions:

- According to the Administrative Office of the Courts, there are currently 21 defendants whose cases are pending at the trial court level for whom the state is seeking the death penalty.
- According to the Department of Correction (DOC), "first degree murder" is not reflected in the Department's database. DOC statistical data reflects 25 offenders convicted of first degree murder have been given a death sentence in the past 10 years. An average of three offenders per year would not receive a death sentence as a result of this bill and would serve longer sentences.
- Six offenders have been executed since 2000 after serving an average sentence of 20.33 years. The average time served for the offense of murder one is 28.54 years. Removing the death penalty will result in offenders serving 8.21 years longer (28.54 years – 20.33 years). The cost per offender at 20.33 years is $444,492.23 ($59.86 x 7,425.53 days). The cost per offender at 28.54 years is $623,995.01 ($59.86 x 10,424.24 days). The additional cost per offender for increasing the average sentence by 8.21 years is $179,502.78 ($623,995.01 - $444,492.23). The total additional operating cost for three offenders is $538,508.34 ($179,502.78 x 3).
- Abolishing the death penalty will result in a decrease in state expenditures associated with these cases exceeding $765,000. For each death-sentenced case, the cost to the state for appointed attorneys, expert witnesses, investigation, and other related matters is estimated to exceed $750,000 for each case. The cost of executing an offender exceeds $15,000.

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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