

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 2476 - SB 2580

March 26, 2014

SUMMARY OF BILL: Directs that a death penalty, for offenses committed on or after July 1, 2014, be carried out by electrocution if (1) lethal injection is held to be unconstitutional or (2) the Commissioner of Correction certifies to the Governor that one or more of the ingredients essential to carrying out a sentence of death by lethal injection is unavailable through no fault of the department.

ESTIMATED FISCAL IMPACT:

On March 9, 2014, a fiscal note was issued estimating a fiscal impact as follows:

Other Fiscal Impact – According to the Post-Conviction Defenders Conference, the conference would be required to bring a constitutional challenge on behalf of their client. Such a case would be brought in conjunction with the Federal Public Defenders Office of Middle Tennessee and the Federal Defender Services of Eastern Tennessee. The case would require approximately \$50,000 in expenditures.

Upon further review, it was realized that this impact was unclear. The estimated impact is:

(CORRECTED)

Other Fiscal Impact – According to the Post-Conviction Defenders Office, the conference will bring a constitutional challenge on behalf of their client(s) challenging this legislation. The costs of such litigation are not quantifiable.

Assumptions:

- According to the Post-Conviction Defenders Office, the conference would be required to bring a constitutional challenge on behalf of their client.
- Such a case would be brought in conjunction with the Federal Public Defenders Office of Middle Tennessee and the Federal Defender Services of Eastern Tennessee. The costs of such a case are not quantifiable.
- According to the Department of Correction, the proposed legislation will not significantly impact the department.
- According to the Attorney General and Reporter, the proposed legislation will not significantly impact the Attorney General, because the Attorney General's duties already include defending the constitutionality of statutes for which the Attorney General currently receives funding.

CERTIFICATION:

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

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" and last name "Geise" clearly distinguishable.

Lucian D. Geise, Executive Director

/trm