



May 28, 2020

SUMMARY OF ORIGINAL BILL: Prohibits the death penalty as a possible sentence for defendants with a severe mental illness.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016933): Deletes and replaces language in the original bill such that the only substantive change is to specify that a documented medical history, for purposes of defining severe mental illness, existed at least one year prior to the commission of the offense of murder in the first degree and is supported by testimony of a physician who is licensed in this state under Title 63 Chapter 6 or 9.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Capital and non-capital defendants may currently assert mental health defenses. It is common practice for courts to conduct pretrial hearings related to mental health.
- The proposed legislation will not significantly impact court procedure.
- The Department of Mental Health contracts for mental health evaluations in various criminal matters. The cost of outpatient competency/not-guilty-by-reason-of-insanity evaluations is \$800. Any impact to the Department resulting from evaluations resulting from the proposed legislation is estimated to be not significant.
- The proposed legislation does not create any new felony cases, but rather impacts sentencing. It is assumed that the proposed legislation will not significantly impact the operations of the courts, public defenders, and district attorneys.
- In the event a court determines that the defendant in a first degree murder case was a person with a severe mental illness at the time of the offense and the trier of fact finds the defendant guilty of first degree murder that, in the absence of the proposed legislation, would make the defendant eligible for a possible death penalty sentence, costs associated with any appeal of a death penalty sentence and the cost associated with executing the defendant could be avoided; however, costs associated with imprisoning

the defendant for life would be incurred. The net effect of such future events cannot be determined with reasonable certainty; however, any net impact resulting from prohibiting the death penalty in the outlined circumstances is estimated to be not significant.

CERTIFICATION:

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

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj