

Fiscal Estimate - 2003 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 03-0644/1	Introduction Number SB-2
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Subject
 Death penalty

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
			<input type="checkbox"/> Decrease Costs	

Local:

<input type="checkbox"/> No Local Government Costs	<input type="checkbox"/> Indeterminate	5. Types of Local Government Units Affected		
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Towns	<input type="checkbox"/> Village	<input type="checkbox"/> Cities
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Counties	<input type="checkbox"/> Others	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	<input type="checkbox"/> School Districts	<input type="checkbox"/> WTCS Districts	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory			

Fund Sources Affected	Affected Ch. 20 Appropriations
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	20.410(1)(a), 20.410(1)(aa), 20.410(1)(e), 20.410(1)(f)

Agency/Prepared By DOC/ Doug Percy (608) 240-5411	Authorized Signature Robert Margolies (608) 240-5056	Date 2/21/2003
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Fiscal Estimate Narratives

DOC 2/21/2003

LRB Number 03-0644/1	Introduction Number SB-2	Estimate Type Original
Subject Death penalty		

Assumptions Used in Arriving at Fiscal Estimate

SB 2 provides a penalty of either death or life Imprisonment for certain first degree homicides. The death penalty is applicable to a first degree intentional homicide if the victim is under 16 or is an unborn child, the offender is at least 16 years of age at the time of offense, and the offender is convicted for directly committing the homicide as opposed to being convicted as a party to the crime.

From FY00 to FY02 an average of 39 offenders per year were convicted of first degree homicide. Because the bill restricts eligibility for a death sentence to offenders with a victim under 16 years of age and offenders directly committing a crime, it can be assumed that less than 39 offenders annually would be sentenced to death. A more exact estimate could only be made by examining the case files of each offender sentenced to first degree homicide.

For purposes of this analysis, two alternatives were examined for the housing of death row inmates. Alternative 1 assumes construction of a separate housing unit for death row inmates, while Alternative 2 assumes housing death row inmates within existing facilities. In both alternatives it is assumed that this bill would not increase the number of DOC offenders, but instead change the type of sentence an offender would receive (death instead of life in prison). Because of this fact, additional funding was not provided for inmate related services such as food or health services.

It should be noted that for each person executed, there would be a reduction in incarceration costs for each year an offender would have otherwise been in custody. It is not possible to estimate this cost savings, so a net fiscal impact cannot be determined.

Alternative #1-Construction of Separate Death Row Unit

It is estimated that a separate death row building would cost \$2.9 million. This building would contain 12 death row cells, an observation cell, a death chamber, witness area and rooms for visitors and media. This building would be constructed so that it could be expanded to 36 cells. Debt service on the 12 bed facility is estimated at \$245,500 annually for 20 years.

The United States Bureau of Justice Statistics indicates that the average length for an offender on death row is 10 years. This means that approximately one offender could be sentenced to death annually for a 12 bed facility to be an appropriate size while a 36 bed facility would provide sufficient space for 3 offenders sentenced to death annually. The debt service and staffing patterns are based on a 12 bed facility. If a larger facility would be necessary, staffing and debt service estimates would need to be reestimated.

The Department estimates that it would require an additional \$687,800 and 15.75 FTE annually to operate the death row facility. In addition, \$138,800 in one-time costs (e.g., pre-service for new officers) would need to be funded. Staffing includes 1.00 FTE Corrections Unit Supervisor, 0.50 FTE Social Worker, 0.50 FTE Psychologist, 5.25 FTE Correctional Sergeants and 8.50 Correctional Officers. Staffing could be phased in as the number of offenders on death row increased. The assumption is that the Department would contract for execution services. However, the Department is unable to determine the cost of these services at this time. These costs would be in addition to the current fiscal estimate.

Total ongoing costs for this alternative equal \$687,800 GPR and 15.75 GPR FTE annually. One-time costs equal \$138,800 GPR and \$245,500 GPR annually for debt service over 20 years.

Alternative #2-House Death Row Inmates in Current Facilities

This alternative assumes that death row inmates would be housed within current facilities at the Wisconsin Secure Detention Facility or in a segregation unit at another maximum security institution. Because death row inmates would be housed within current facilities, no additional operating costs are assumed. However, this alternative would still require construction of a separate facility for executions. It is estimated that this facility would cost \$1.7M. This equates to debt service of \$141,300 GPR annually for 20 years. As with Alternative 1, an estimate for contracted execution services is unable to be determined at this time.

Long-Range Fiscal Implications