

Fiscal Estimate Narratives

DOC 1/26/2016

LRB Number	15-4274/1	Introduction Number	SB-585	Estimate Type	Original
Description Burial or cremation and burial of a deceased prison inmate, cremation of an unclaimed corpse, and prohibition on cremation of an unclaimed corpse in cases of homicide					

Assumptions Used in Arriving at Fiscal Estimate

This bill changes procedures relating to burial or cremation and burial of a deceased prison inmate and cremation of an unclaimed corpse. Under the bill, the Department of Corrections (DOC) must provide written notification to a deceased inmate's relative informing him or her that DOC will, upon request, provide a copy of any autopsy report or other report regarding the inmate's death and allow the relative to claim the cremated remains of the inmate before the remains are buried. With certain exceptions, the bill allows the superintendent of an institution or other public officer to cremate and bury an unclaimed corpse.

The bill prohibits cremation of an unclaimed corpse if the deceased person died as a result of homicide. The bill also adds an express allowance for DOC to charge a prisoner's estate for some or all of the costs to the department of the prisoner's incarceration or burial or cremation and burial. Under the bill, if an inmate in a state prison has not paid court-ordered restitution at the time of his or her death, DOC is required to assess, collect, and disburse the amount owed from the inmate's wages or other moneys.

The DOC estimates that it will have a cost avoidance of \$4,500 per year by cremating and burying unclaimed deceased inmates instead of burying unclaimed deceased inmates. The DOC has approximately 15 unclaimed deceased inmates per year. The DOC spends an average of approximately \$2,300 per burial of an unclaimed deceased inmate (average of FY07-12, the last time burial costs were calculated) for a total estimated cost of \$34,500 annually. The funeral home that does the vast majority of the funerals for unclaimed deceased inmates recently told the DOC that the cost of cremation and burial is approximately \$300 cheaper than the cost of burial. Thus, 15 unclaimed deceased inmates (*) \$300 = \$4,500 cost avoidance annually.

Additionally, the bill gives the DOC authority to charge a prisoner's estate for some or all of the costs to the department for the prisoner's incarceration or burial or cremation and burial if the inmate has paid all victim restitution. The average inmate account at death during this Fiscal Year for unclaimed deceased inmates was \$650. The DOC is unable to determine how many unclaimed deceased inmates had or will have completed paying victim restitution. Thus, it is impossible to predict how much money the DOC will collect from unclaimed deceased inmates' accounts. The estimated amount collected from unclaimed deceased inmates' accounts is between \$0 and \$9,750 (15 unclaimed deceased inmates (*) \$650) annually.

Overall, the DOC estimates that it will have a cost avoidance between \$4,500- \$14,250 annually from this bill.

The fiscal impact locally for county jails is unknown. The DOC does not know if county jails will have cost avoidance from cremating and burying unclaimed deceased inmates compared to burying unclaimed deceased inmates. Additionally, the DOC does not know if any county jails will switch to cremation and burial of unclaimed deceased inmates or continue burying unclaimed deceased inmates. The bill only gives authority to the DOC, not local institutions, to be reimbursed for cremation and burial costs after victim restitution has been paid.

Long-Range Fiscal Implications