

FIRST REGULAR SESSION

HOUSE BILL NO. 837

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

1970L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 29, RSMo, by adding thereto one new section relating to requiring the state auditor to report on the costs of administering the death penalty.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 29, RSMo, is amended by adding thereto one new section, to be known as section 29.305, to read as follows:

29.305. 1. The state auditor shall make a one-time report on the costs, both direct and indirect, born by county and state governments in the prosecution and defense of at least ten cases filed on or after January 1, 1990, in which a death sentence was sought and was imposed and compare such costs to the costs of an equal number of first degree murder cases filed on or after January 1, 1990, in which a death sentence was not sought and the defendant was sentenced to life without the possibility for parole and an equal number of first degree murder cases filed on or after January 1, 1990, in which a death sentence was sought, but the defendant was sentenced to life without the possibility for parole at the conclusion of a sentencing phase. The auditor may make additional comparisons including other sentences imposed for homicide offenses.

2. In selecting the cases in which a death sentence was not imposed, the auditor shall use a scientific method of random sampling that includes all cases filed on or after January 1, 1990.

3. The comparison shall include the following costs estimated by the auditor to be related to the cases examined and compared under subsection 1 of this section:

(1) Staff salaries, benefits, and operating expenses for the attorney general's office, including any contracts for assistance;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(2) Staff salaries, benefits, and operating expenses for the department of**
19 **corrections, including costs related to housing inmates sentenced to death, carrying out the**
20 **death penalty, and any contracts for assistance;**

21 **(3) Staff salaries, including salaries of prosecuting and circuit attorneys, benefits,**
22 **operating expenses charged to counties, including expenses in preparing for the**
23 **presentation of aggravating and mitigating circumstances with respect to sentencing**
24 **proceedings in death penalty cases, expert witness fees, additional investigations, and**
25 **contracts for assistance;**

26 **(4) Staff salaries, benefits, and operating expenses for the Missouri state public**
27 **defender system; and**

28 **(5) Staff salaries, benefits, and operating expenses for the supreme court, courts of**
29 **appeals, and circuit courts.**

30 **4. The auditor shall present the report to the governor, members of the general**
31 **assembly, and the Missouri supreme court by June 30, 2017.**

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