

FISCAL NOTE

	FY 2021	FY 2022	FY 2023
NON-ADMINISTRATIVE IMPACT			
Anticipated Revenue decrease			
SPECIAL REVENUE FUND(County Contribution)	(\$155,250)	(\$155,250)	(\$155,250)

Source of revenue increase(decrease):

Under W.S. 7-6-113, the State Public Defender’s appropriation is funded 85% with state and federal funds and 15% with augmenting revenues collected from each county. By eliminating the death penalty, the State Public Defender would not be required to staff and fund capital cases, which would lead to lower revenues to be contributed by counties for such cases.

Assumptions:

The State Public Defender was appropriated \$500,000 for the biennium for capital cases and \$1.1 million for a capital resentencing case. By eliminating the death penalty, for FY2021, it is estimated the State Public Defender will see a decrease of approximately \$750,000 in expenditures related to capital cases, resulting in approximately \$110,000 in reduced revenue required of counties to contribute to the cost of capital cases.

	FY 2021	FY 2022	FY 2023
NON-ADMINISTRATIVE IMPACT			
Anticipated Expenditure decrease			
GENERAL FUND	(\$879,750)	(\$879,750)	(\$879,750)
SPECIAL REVENUE FUND(County Contribution)	(\$155,250)	(\$155,250)	(\$155,250)

Source of expenditure increase(decrease):

By eliminating the death penalty, the State Public Defender would not be required to staff and fund capital cases, which would lead decreased expenditures for both the state and counties that contribute to these cases’ funding requirements.

Assumptions:

The State Public Defender estimates it will cost approximately \$250,000 to staff and process capital case requirements and activities for FY2021. However, the need to staff and fund capital cases with responsibilities that are complex, numerous and heightened and greater than lesser punishments, may vary from year to year. If more than one capital case is assigned to the agency or is extraordinarily complex, that agency would likely experience costs greater than anticipated. Some of the expenditure decrease reflected above could be considered administrative cost but is reflected on the fiscal note for simplicity. The agency has been ordered to pay for a resentencing case as well, which is \$1.25 million a biennium.

The Department of Corrections states that the cost of proposed legislation is indeterminable due to an unknown number of cases. Currently there are no inmates in the custody of the Wyoming Department of Corrections sentenced to death. Each year of incarceration, per inmate, costs the State, in current dollars, approximately \$44,735.00, including medical costs.

The fiscal impact to the judicial system is indeterminable due to an unknown number of cases.

Prepared by: Karsyn Lamb, LSO Phone: 777-7881
(Information provided by Diane M. Lozano, Public Defenders Office, 777-7519;
Claire Smith, Supreme Court, 777-7502;
Kayla Opdahl, Department of Corrections, 777-5983)