

**FISCAL NOTE**

	FY 2020	FY 2021	FY 2022
<b>NON-ADMINISTRATIVE IMPACT</b>			
Anticipated Revenue (decrease)			
OTHER	(\$37,500)	(\$37,500)	(\$37,500)
OTHER	(\$72,155)	(\$72,155)	(\$72,155)

Source of revenue (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 \$1,062,500 in carryover capital case funding appropriated during the 2016 Budget Session (2018 Wyoming Session Laws, Ch. 134, Section 303(a)). By eliminating the death penalty, for FY2020, 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. For FY2021 and FY2022, the agency would continue to require resources (estimated at \$500,000 standard request and \$1,250,000 for court ordered capital cases) to staff and conduct all necessary services, unless there is a removal of capital punishment for the state.

	FY 2020	FY 2021	FY 2022
<b>NON-ADMINISTRATIVE IMPACT</b>			
Anticipated Expenditure (decrease)			
GENERAL FUND	(\$237,500)	(\$212,500)	(\$212,500)
OTHER	(\$37,500)	(\$37,500)	(\$37,500)
GENERAL FUND	(\$408,880)	(\$531,250)	(\$531,250)
OTHER	(\$72,155)	(\$93,750)	(\$93,750)

Source of expenditure (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 \$750,000 to staff and process capital case requirements and activities for FY2020. 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 Department of Corrections states that it currently has no inmates in its custody sentenced to death. There is also not way to accurately predict the number of inmates sentenced pursuant to the proposed bill. Each year of incarceration currently costs approximately \$44,735 per inmate, per year.

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

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