

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 7
 Bill Version: CSHB 9(JUD)
 (H) Publish Date: 4/10/09

Identifier (file name): HB009-LAW-CRIM-2-20-09 Dept. Affected: LAW
 Title An Act relating to murder; authorizing capital punishment and RDU CRIMINAL
classifying murder in the first degree as a capital felony. Component CRIMINAL JUSTICE LITIGATION
 Sponsor Representative Chenault
 Requester Judiciary Component Number 2202

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services	837.0		1,449.0	2,164.0	2,164.0	2,164.0	2,164.0	2,164.0
Travel	321.8		614.4	779.6	779.6	779.6	779.6	779.6
Contractual	646.4		1,525.1	2,129.6	1,983.6	1,983.6	1,983.6	1,983.6
Supplies	43.0		74.0	111.0	111.0	111.0	111.0	111.0
Equipment	69.0		120.8	181.2	181.2	181.2	181.2	181.2
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	1,917.2	0.0	3,783.3	5,365.4	5,219.4	5,219.4	5,219.4	5,219.4

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	1,917.2		3,793.3	5,365.4	5,219.4	5,219.4	5,219.4	5,219.4
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	1,917.2	0.0	3,793.3	5,365.4	5,219.4	5,219.4	5,219.4	5,219.4

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time	8.0		14	21	21	21	21
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

See attached pages...

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 Date/Time 2/20/09 8:50 AM
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STATE OF ALASKA
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BILL NO. CSHB 9(JUD)

ANALYSIS CONTINUATION

HB9 authorizes capital punishment by classifying murder in the first degree as a capital felony, and allowing the imposition of the death penalty for capital felonies. The bill would establish sentencing procedures for capital felonies; and amend Rules 32, 32.1, and 32.3, Alaska Rules of Criminal Procedure, and Rules 204, 209, 210, and 212, Alaska Rules of Appellate Procedure. If enacted, there will be significant costs for the Department of Law.

In the last 15 years there have been several attempts to adopt capital punishment in Alaska. The Department of Law has submitted fiscal notes over these years. In 1993 for SB 127, the department estimated that in the first years after implementation the department would need eight new employees, in the second year the number would be 14 new employees, and the following years the number would be 21 new employees. In 1994 in support of the same bill, the numbers changed to 10 new employees the first year, and 14 for the second year, and then 20 new employees for the following years.

In the 1995 fiscal note for HB 45 the number of new employees was estimated to be eight in the first year, 17 in the second, and 25 in the following years. In 1996, the number of new employees was six new employees in year one, 16 employees in year two, and 20 employees in year three, and 24 employees in the following years.

In 1997 the fiscal note for HB 131 provided for eight employees in the first year, year two 14 employees, and 21 employees for the following years. These numbers are summarized here:

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>
1993	8	14	21	21
1994	10	14	20	20
1995	8	17	25	25
1996	6	16	20	24
1997	8	14	21	21
		<u>HB 9</u>		
2009	8	14	21	21

Although the number of new employees in 2009 is consistent with previous bills, the nature of capital litigation has become more complex and commensurately more costly. The department assumes a methodology based upon a substantially decreased number of capital cases under HB 9 than the number of cases assumed for SB 127 in 1994.

In 1994, the department's criminal division had 17 first degree murder cases in which aggravating factors were present that would justify the death penalty, had a similar provision been the law. The number of murders committed in Alaska varies somewhat from year-to-year and, therefore, the assumptions made in this fiscal note are as conservative as possible. (All murders in Alaska in 2007 totaled 44.)

The Department of Corrections' statistics show the following number of intakes for murder in the first degree in the previous five years:

2004	4
2005	16
2006	10
2007	20
2008	17

ANALYSIS CONTINUATION

These numbers show a spread of 4 to 20 murders in the first degree and a yearly average of 13.4. It is unknown the number of these cases which would be death eligible. However, if approximately half the murders in the first degree were eligible the number would be between 6 and 7. Department of Law statistics show for the same time period - 2003 to 2008 - that 170 murder in the first degree cases were submitted for prosecution. 33 or 19.4% of these cases were dismissed by the state. There were 14 of these cases where the defendant pled guilty to murder in the first degree; 18 cases resulted in a guilty verdict at trial and 5 cases where the verdict was not guilty. The prior three groups of cases total 37. The remaining cases were resolved in some other manner. The 37 cases over this five year period average 7.4 per year. Not all of these cases will be death eligible. If the number of pleas to murder are subtracted from the total number, assuming that these would not be death eligible, then the number is 23, or 4.6 per year. The range between 4.6 and 7.4 suggests a number of 6 (six) capital murders a year. This fiscal note uses as its working assumption the conservative number of six capital murder cases each year.

Overview

Capital felony trials would be bifurcated, that is, held in two parts. The first part would determine innocence or guilt; the second part would determine whether aggravating factors exist sufficient to justify the death penalty, whether mitigating factors exist that outweigh the aggravating factors, and whether the defendant should be sentenced to a term of imprisonment or to death. Based on 1994's data, where there were 17 murders having death penalty aggravators, the department would probably seek the death penalty in ten cases, all of which would require trials. In the remaining seven cases, prosecutors would elect to try the cases as non-capital first degree murders for discretionary reasons, primarily due to the difficulty of obtaining a conviction if the death penalty was included. The department expects that six capital offense convictions will occur each year. Of this latter number, we believe that the death penalty will be imposed four to five times each year.

Thus, the department must be prepared to prosecute capital felonies on six occasions each year, and it must also be prepared to handle a multi-year appellate review process that will grow at an accumulating rate of six cases per year. The experience in other states is that capital trials require far more in the way of prosecution and investigative resources than first degree murder cases that do not include the death penalty.

In its several reviews of capital penalty laws, the United States Supreme Court has taken the position that "death is different." Consequently, the Supreme Court has required that states accord capital defendants procedural and substantive protections that go far beyond those required for non-capital defendants. The Court has, in effect, mandated that capital defendants be accorded "super" due process. The federal courts have consistently held that capital cases demand special consideration, both at trial and on appellate review, because of the exceptional and irrevocable nature of the penalty involved.

In order to meet this heightened level of due process, it will be necessary for the state to employ far greater prosecution resources. Many of the states having a death penalty, for instance, provide two defense attorneys to capital defendants to insure that the due process safeguards required by the courts are met. Likewise, the state's prosecution case must also be properly staffed. The trend is that defense council must be "death penalty certified." This means that each attorney has "second-chaired" in a capital case. In the vast majority of states two defense attorneys are assigned to the guilt phase of the trial and two different attorneys to the penalty phase of the trial. In other words, four defense attorneys per case.

ANALYSIS CONTINUATION

During and prior to the trial phase, crime scene evidence will have to be examined and presented by highly qualified forensic experts. Psychiatric experts will also be required during the trial phase and during sentencing proceedings, to rebut and overcome competency and psychiatric defenses to both the substantive-charge and the capital sentence. Cost studies of capital trials in other states indicate that expert witness expenses for both the trial and sentencing proceedings cost about \$60,000 in 1994 dollars. The state believes that expert costs today can easily exceed \$100,000.

The state's district attorneys offices do not have investigators as do most prosecutors in capital punishment states. These investigators are specially trained to investigate facts which pertain to the penalty phase of capital cases. The Department of Public Safety is anticipated to present a fiscal note requesting two additional investigators to fulfill this function. Whether in Law or Public Safety, specially trained investigators will be required.

Given the special rules that apply in capital cases, prosecutors and paralegals will need advanced training to deal with these cases.

A sentencing proceeding, or the penalty phase of a capital trial, is categorically different in character, procedure, and magnitude from any counterpart in a non-capital trial, and it accounts for a large part of the increase in costs. The heightened due process requirements, and the right to effective assistance of counsel, apply equally to the sentencing phase as they do to the trial phase. At this stage of the proceeding, the defense may be expected to use many of the socio-psychiatric witnesses employed during the trial phase. Additionally, the defense may also use the defendant's family, friends, neighbors, co-workers, school personnel, and social workers as witnesses. The defense's sentencing phase investigations will involve a complete retrospective analysis of every positive aspect of the defendant's life from the day of birth to the date of sentence. The prosecution, on the other hand, must interview each of the defendant's witnesses to rebut mitigation evidence, and present its own witnesses to prove its aggravating factors. For example, in one California case, 240 persons were investigated and interviewed as potential witnesses and 120 were eventually called as witnesses in a single sentencing proceeding. In addition, a five-fold increase in pretrial motion practice, often involving a state's Supreme Court, has occurred in other states between capital and non-capital first degree murder cases. In view of the foregoing, it appears likely that the same level of state resources, needed for the state's most expensive criminal trials, will also be needed for capital murder trials.

Post-conviction appellate reviews of death sentences will also require a substantial expenditure of state resources. Initially, challenges to the law itself can be expected to be taken to the Alaska Supreme Court on the basis of both state and federal constitutional due process, equal protection, and cruel and unusual punishment doctrines. Such challenges should be expected during the first four or five years after the provisions of the bill go into effect. Otherwise, the bill provides for a straightforward appeals process to the Alaska Supreme Court, but death sentences will nonetheless result in lengthy and complicated appellate litigation. This is because of the substantial appellate avenues available to capital defendants in the federal court system, primarily on claims of: due process, competency, and newly discovered evidence. Typically, these cases move up and down throughout the state and federal court systems, and involve the state superior and supreme courts, the U.S. Supreme Court, and the U.S. Circuit Court of Appeals, and the U.S. District Court. As a result, as has been the experience in every other capital punishment state, it should be expected that many years will pass before a death sentence can be carried out. Information indicates that nationally an average of nearly 12.7 years elapses from the time a death penalty sentence is imposed to the time the sentence is carried out.

ANALYSIS CONTINUATION**Implementation**

The Department of Law anticipates that the time from when an offense is committed until a capital felony trial takes place will be between two and three years after the bill takes effect. (A recent study by the Alaska Judicial Council showed that of the 51 felony jury trials in Anchorage in 2007, the average time to disposition was 669 days. Capital cases can be estimated to take substantially longer.) Likewise, the post-conviction appellate review process will not commence until sometime during the latter years. For these reasons, the department has developed a multi-year implementation plan for this fiscal note.

During the first year, it will be necessary to add three attorneys, three paraprofessionals, and two law office assistants to handle capital felony prosecutions. Although perhaps as few as four bifurcated trials may actually get underway during the first year, substantial time will be required preparing for trial. This includes advising police investigators, examining evidence, interviewing witnesses, consulting with psychiatric and forensic experts, and initiating, responding to, and arguing pretrial motions. Also, preparation work on all 17 potential capital felonies expected to occur during the first year must begin as soon as possible after an offense is committed. This is so even if the cases eventually resolve with a conviction of a lesser offense.

The "super" due process required by the courts in death penalty cases, and the requirement for a separate sentencing proceeding, will more than triple the work of the department's staff who handle these cases, compared with non-capital first degree murder cases. Extraordinary amounts of attorney and paraprofessional time will be needed to satisfy these minimum, mandatory requirements. As a consequence, capital felony prosecutions could not readily be undertaken in any of the department's offices, except for Anchorage and possibly Fairbanks, without providing special prosecution staff on a case-by-case basis. And, even for Anchorage and Fairbanks, the existing staff would have to be substantially augmented each time a capital felony is handled. All of the positions to be added to handle capital trials and post-conviction death sentence appeals would therefore be located in the department's Office of Special Prosecutions and Appeals, in Anchorage.

During the second year, six or more additional capital felonies would need to be processed at the same time the previous years cases are readied for trial. At this point, it will be necessary to add one attorney, one paraprofessional, and one law office assistant to handle the increasing capital felony trial caseload. It will also be necessary to establish a capital felony appeals staff during the second year, when appeals from the first four trials are expected to begin the appellate review process. Initially, one attorney, one paraprofessional, and one law office assistant will be needed to handle capital felony appeals.

During the third year, the number of bifurcated capital murder trials should equal the number of new capital offenses charged, although some compression and overlapping of the caseload will likely occur. Consequently, it will be necessary to increase the trial staff during the third year, in order to handle the total annual workload, and to insure against speedy trial problems. The trial staff would be increased by one attorney, one paraprofessional, and one law office assistant. Post-conviction capital felony appeals will have reached stride by year three, and they will continue to increase at the rate of six new cases each year, thereafter. It will, therefore, be necessary to increase the appeals staff in the third year by adding two attorneys, one paraprofessional, and one law office assistant.

It is not possible to accurately predict the eventual annual costs of a capital felony law beyond its first three or four years. There are simply too many unknowns. However, the costs that have been predicted are conservative. The following factors have been considered in arriving at these costs.

ANALYSIS CONTINUATION

- (1) Capital felony due process and bifurcated trial requirements will more than triple the cost and time spent in prosecuting first degree murder offenses, at a minimum.
- (2) There will need to be two teams of prosecutors: one for the guilt phase at trial and a second team specializing in the penalty phase.
- (3) Pretrial motion practice will increase dramatically resulting in additional scheduling problems.
- (4) Logistics problems will occur at most locations, except Anchorage and Fairbanks, and these problems will become more severe the smaller and more remote the location.
- (5) Witness travel and per diem will be expensive because of the large number of witnesses that will be required for both the trial and the sentencing phases of capital felony prosecutions, and in many cases this includes out-of-state travel.
- (6) Staff travel and per diem will likewise be expensive for trials held outside of Anchorage. Extensive staff travel expense will also be necessary, for trials held at all locations, to interview both prosecution and defense witnesses who will appear at sentencing proceedings.
- (7) The cost for appeals is calculated only through the sixth year; however, this cost will ultimately grow enormously. The average length of time between a death sentence conviction and an execution in the United States is nearly thirteen years (12.7 in 2007). Consequently, the state will have to provide enough resources to respond to the ongoing appeals of up to 78 (6 capital felony trials per year) or more capital felony defendants annually, within 13 years. The eventual costs for this extended timeframe are not within the scope of this fiscal note analysis.
- (8) Therefore, the following per trial expense estimates have been used to calculate the costs of this fiscal note.

Capital Felony Trials

- Witness travel and subsistence, \$66,000 per case.
- Staff travel and per diem, \$10,000 per attorney, \$6,600 per paraprofessional, \$4,000 per law office assistant, per annum.
- Expert witness fees, \$100,000 per case.
- Standard witness fees paid to others, \$2,500 per case.
- Deposition/court reporter charges, \$20,000 per case.

Death Sentence Appellate Review

- Staff travel, \$4,600 per attorney, \$2,500 per paraprofessional, per annum.
- Fees for outside counsel for years two and three only, \$50,000, each year.
- Transcription/court reporter costs, \$30,000 per case.
- Training first year \$10,000, following years \$5,000

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ANALYSIS CONTINUATION

Fiscal Analysis HB9
Cost Summary (First Year, Capital Trials)

Assumption: 6 trials per year including trial preparation

OBJECT	(1) Atty V	(2) Atty IV	(2) Assoc Atty I	(1) P/A II	(2) LOA I	Total
100 - Salaries & Benefits	167.0	290.0	180.0	80.0	120.0	837.0
	<hr/> 167.0	<hr/> 290.0	<hr/> 180.0	<hr/> 80.0	<hr/> 120.0	<hr/> 837.0
200 - Travel						
Staff Travel & Per Diem	10.0	19.9	13.3	6.6	8.0	57.8
	<hr/> 10.0	<hr/> 19.9	<hr/> 13.3	<hr/> 6.6	<hr/> 8.0	<hr/> 57.8
300 - Contractual						
Communications, Copy	4.8	9.6	6.4	3.2	6.4	30.3
Office Space Leases	7.4	14.9	14.9	7.4	14.9	59.5
PC Network Maintenance	2.0	4.0	4.0	2.0	4.0	15.9
Staff Training	4.0	4.0	2.0	0.0	0.0	0.0
WestLaw	1.6	3.2	3.2	1.6	0.0	9.6
	<hr/> 19.8	<hr/> 35.6	<hr/> 30.4	<hr/> 14.2	<hr/> 25.2	<hr/> 125.2
400 - Supplies						
Office Consumables	2.4	4.8	4.8	2.4	3.2	17.5
Law Library	1.6	3.2	3.2	1.6	0.0	9.6
New Position Supplies	2.0	4.0	4.0	2.0	4.0	15.9
	<hr/> 6.0	<hr/> 11.9	<hr/> 11.9	<hr/> 6.0	<hr/> 7.2	<hr/> 43.0
500 - Equipment						
New Position Equipment	3.3	6.6	6.6	3.3	6.6	26.6
Personal Computer	5.3	10.6	10.6	5.3	10.6	42.5
	<hr/> 8.6	<hr/> 17.3	<hr/> 17.3	<hr/> 8.6	<hr/> 17.3	<hr/> 69.0
Total	211.4	374.7	252.9	115.4	177.6	1132.0

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ANALYSIS CONTINUATION

Fiscal Analysis HB9

Cost Summary (Second and Third Year Additions, Capital Trials)

Assumption:

Year 2 - 12 trials

Year 3 - 18 trials, preparation on 10 new charges

Second Year

OBJECT	(1) Atty IV	(1) Assoc Atty I	(1) LOA I	Total
100 - Salaries & Benefits	145.0	90.0	60.0	295.0
	<hr/> 145.0	<hr/> 90.0	<hr/> 60.0	<hr/> 295.0
200 - Travel				
Staff Travel & Per Diem	10.0	6.6	4.0	20.6
	<hr/> 10.0	<hr/> 6.6	<hr/> 4.0	<hr/> 20.6
300 - Contractual				
Communications, Copy	4.8	4.8	3.2	12.7
Office Space Leases	7.4	7.4	7.4	22.3
PC Network Maintenance	2.0	2.0	2.0	6.0
WestLaw	1.6	1.6	0.0	3.2
	<hr/> 15.8	<hr/> 15.8	<hr/> 12.6	<hr/> 44.2
400 - Supplies				
Office Consumables	2.4	2.4	1.6	6.4
Law Library	1.6	1.6	0.0	3.2
New Position Supplies	2.0	2.0	2.0	6.0
	<hr/> 6.0	<hr/> 6.0	<hr/> 3.6	<hr/> 15.5
500 - Equipment				
New Position Equipment	3.3	3.3	3.3	10.0
Personal Computer	5.3	5.3	5.3	15.9
	<hr/> 8.6	<hr/> 8.6	<hr/> 8.6	<hr/> 25.9
Total	<hr/> <hr/> 185.4	<hr/> <hr/> 127.0	<hr/> <hr/> 88.8	<hr/> <hr/> 401.2

Third Year

OBJECT	(1) Atty IV	(1) P/A II	(1) LOA I	Total
100 - Salaries & Benefits	145.0	80.0	60.0	285.0
	<hr/> 145.0	<hr/> 80.0	<hr/> 60.0	<hr/> 285.0
200 - Travel				
Staff Travel & Per Diem	10.0	6.6	4.0	20.6
	<hr/> 10.0	<hr/> 6.6	<hr/> 4.0	<hr/> 20.6
300 - Contractual				
Communications, Copy	4.8	4.8	3.2	12.7
Office Space Leases	7.4	7.4	7.4	22.3
PC Network Maintenance	2.0	2.0	2.0	6.0
WestLaw	1.6	1.6	0.0	3.2
	<hr/> 15.8	<hr/> 15.8	<hr/> 12.6	<hr/> 44.2
400 - Supplies				
Office Consumables	2.4	2.4	1.6	6.4
Law Library	1.6	1.6	0.0	3.2
New Position Supplies	2.0	2.0	2.0	6.0
	<hr/> 6.0	<hr/> 6.0	<hr/> 3.6	<hr/> 15.5
500 - Equipment				
New Position Equipment	3.3	3.3	3.3	10.0
Personal Computer	5.3	5.3	5.3	15.9
	<hr/> 8.6	<hr/> 8.6	<hr/> 8.6	<hr/> 25.9
Total	<hr/> <hr/> 185.4	<hr/> <hr/> 117.0	<hr/> <hr/> 88.8	<hr/> <hr/> 391.2

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ANALYSIS CONTINUATION

Fiscal Analysis HB9

Cost Summary (Second and Third Year Additions, Appellate Review Process)

Assumption:

Year 2 - 4 trials begin appellate review process

Year 3 - 8 trials on appeal, with 6 new cases each following year

Second Year

OBJECT	(1) Atty V	(1) Assoc Atty I	(1) LOA I	Total
100 - Salaries & Benefits	167.0	90.0	60.0	317.0
	<hr/> 167.0	<hr/> 90.0	<hr/> 60.0	<hr/> 317.0
200 - Travel				
Staff Travel & Per Diem	4.6	3.3	0.0	8.0
	<hr/> 4.6	<hr/> 3.3	<hr/> 0.0	<hr/> 8.0
300 - Contractual				
Communications, Copy	29.7	29.7	3.2	62.7
Office Space Leases	7.4	7.4	7.4	22.3
PC Network Maintenance	2.0	2.0	2.0	6.0
WestLaw	3.2	3.2	0.0	6.4
	<hr/> 42.4	<hr/> 42.4	<hr/> 12.6	<hr/> 97.3
400 - Supplies				
Office Consumables	2.4	2.4	1.6	6.4
Law Library	1.6	1.6	0.0	3.2
New Position Supplies	2.0	2.0	2.0	6.0
	<hr/> 6.0	<hr/> 6.0	<hr/> 3.6	<hr/> 15.5
500 - Equipment				
New Position Equipment	3.3	3.3	3.3	10.0
Personal Computer	5.3	5.3	5.3	15.9
	<hr/> 8.6	<hr/> 8.6	<hr/> 8.6	<hr/> 25.9
Total	<hr/> <hr/> 228.6	<hr/> <hr/> 150.3	<hr/> <hr/> 84.8	<hr/> <hr/> 463.7

Third Year

OBJECT	(2) Atty IV	(1) P/A II	(1) LOA I	Total
100 - Salaries & Benefits	290.0	80.0	60.0	430.0
	<hr/> 290.0	<hr/> 80.0	<hr/> 60.0	<hr/> 430.0
200 - Travel				
Staff Travel & Per Diem	9.3	3.3	0.0	12.6
	<hr/> 9.3	<hr/> 3.3	<hr/> 0.0	<hr/> 12.6
300 - Contractual				
Communications, Copy	59.5	29.7	3.2	92.4
Office Space Leases	14.9	7.4	7.4	29.7
PC Network Maintenance	4.0	2.0	2.0	8.0
WestLaw	6.4	3.2	0.0	9.6
	<hr/> 84.7	<hr/> 42.4	<hr/> 12.6	<hr/> 139.7
400 - Supplies				
Office Consumables	4.8	2.4	1.6	8.8
Law Library	3.2	1.6	0.0	4.8
New Position Supplies	4.0	2.0	2.0	8.0
	<hr/> 11.9	<hr/> 6.0	<hr/> 3.6	<hr/> 21.5
500 - Equipment				
New Position Equipment	6.6	3.3	3.3	13.3
Personal Computer	10.6	5.3	5.3	21.2
	<hr/> 17.3	<hr/> 8.6	<hr/> 8.6	<hr/> 34.5
Total	<hr/> <hr/> 413.2	<hr/> <hr/> 140.3	<hr/> <hr/> 84.8	<hr/> <hr/> 638.3

ANALYSIS CONTINUATIONFiscal Analysis HB9
Out-of-Pocket Costs - Capital Felony Trials

Year 1: (4 cases underway)

Witness travel and per diem \$66.0 per case x 4 cases	=	264.0
Expert witness fees \$100.0 per case x 4 cases	=	400.0
Witness fees (witnesses of fact) \$3.3 per case x 4 cases	=	13.2
Deposition/court reporter charges \$27.0 per case x 4 cases	=	108.0

Year 2: (8 cases underway)

Witness travel and per diem \$66.0 per case x 8 cases	=	528.0
Expert witness fees \$100.0 per case x 8 cases	=	800.0
Witness fees (witnesses of fact) \$3.3 per case x 8 cases	=	26.4
Deposition/court reporter charges \$27.0 per case x 8 cases	=	216.0

Year 3: (10 cases underway)

Witness travel and per diem \$66.0 per case x 10 cases	=	660.0
Expert witness fees \$100.0 per case x 10 cases	=	1000.0
Witness fees (witnesses of fact) \$3.3 per case x 10 cases	=	33.0
Deposition/court reporter charges \$27.0 per case x 10 cases	=	270.0

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Fiscal Analysis HB9
Out-of-Pocket Costs - Capital Felony Appeals

Year 2: (4 cases underway)

Outside counsel to uphold statute \$66.0 per case x 1 case	=	66.0
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Deposition/court reporter charges \$40.0 per case x 4 cases	=	160.0
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Year 3: (4 cases underway)

Outside counsel to uphold statute \$66.0 per case x 1 case	=	66.0
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Deposition/court reporter charges \$40.0 per case x 8 cases	=	320.0
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Year 4: (14 cases underway)

Deposition/court reporter charges \$40.0 per case x 6 cases	=	240.0
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ANALYSIS CONTINUATION

Fiscal Analysis HB9
Cumulative Implementation Cost by Year

OBJECT	<u>Criminal Felony Trial</u>					
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
100 - Salaries & Benefits	837.0	1132.0	1417.0	1417.0	1417.0	1417.0
200 - Travel						
Staff Travel & Per Diem	57.8	78.4	99.0	99.0	99.0	99.0
Witness Travel	264.0	528.0	660.0	660.0	660.0	660.0
	321.8	606.4	759.0	759.0	759.0	759.0
300 - Contractual						
Staff Contractual	125.2	159.4	203.6	203.6	203.6	203.6
Outside Services	521.2	1042.4	1303.0	1303.0	1303.0	1303.0
	646.4	1201.8	1506.6	1506.6	1506.6	1506.6
400 - Supplies	43.0	58.5	74.0	74.0	74.0	74.0
500 - Equipment	69.0	94.9	120.8	120.8	120.8	120.8
Total	1917.2	3093.6	3877.4	3877.4	3877.4	3877.4
PFT	8	11	14	14	14	14

OBJECT	<u>Appellate Review</u>					
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
100 - Salaries & Benefits	0.0	317.0	747.0	747.0	747.0	747.0
200 - Travel						
Staff Travel & Per Diem	0.0	8.0	20.6	20.6	20.6	20.6
Witness Travel	0.0	0.0	0.0	0.0	0.0	0.0
	0.0	8.0	20.6	20.6	20.6	20.6
300 - Contractual						
Staff Contractual	0.0	97.3	237.0	237.0	237.0	237.0
Outside Services	0.0	226.0	386.0	240.0	240.0	240.0
	0.0	323.3	623.0	477.0	477.0	477.0
400 - Supplies	0.0	15.5	37.0	37.0	37.0	37.0
500 - Equipment	0.0	25.9	60.4	60.4	60.4	60.4
Total	0.0	689.7	1488.0	1342.0	1342.0	1342.0
PFT	0	3	7	7	7	7