

SB

31

ALASKA COURT SYSTEM
FISCAL OPERATIONS

TELEFACSIMILE TRANSMITTAL SHEET

TO: SENATOR FISCHEL

DATE: 5/15/87

FROM: BOB FISHER

TOTAL NUMBER OF PAGES: 3
(Not including cover sheet)

MESSAGE: PLEASE DELIVER TO SENATOR
FISCHEL.

THANKS

FISCAL NOTE SB 31

If you do not receive the above document(s), please call 264-8215.
Alaska Court System telecopier phone number 276-6342.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: SB 31
Publish Date:

REQUEST:

Revision Date:
Title: An act authorizing capital punishment
Sponsor: Fischer, Kelly, & Faiks
Requestor:

Agency Affected: Alaska Court System
BRU: Trial Courts
Components:

EXPENDITURES/REVENUES:		(Thousands of Dollars)				
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
Personal Services	107.2	107.2	107.2	107.2	107.2
Travel	112.5	112.5	112.5	112.5	112.5
Contractual	166.0	166.0	166.0	166.0	166.0
Supplies
Equipment	18.9	. . . .	. . . .	. . . .	. . . .
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	404.6	385.7	385.7	385.7	385.7
CAPITAL
REVENUE

FUNDING:		(Thousands of Dollars)				
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
General Funds	0.0	404.6	385.7	385.7	385.7	385.7
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	404.6	385.7	385.7	385.7	385.7

POSITIONS:						
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Full-time	3.0	3.0	3.0	3.0	3.0
Part-time
Temporary

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: Karla Forsythe, General Counsel
Division: Alaska Court System
Approved by: *Stephanie J. Cole*
Agency: Alaska Court System

Phone: 264-8228
Date: 5-15-87
Date: 5-15-87

- Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management & Budget
Impacted Agency(ies)
Senate Secretary

ALASKA COURT SYSTEM

SB 31 - Capital Punishment
Fiscal Impact

Personal Services:	Salary	Benefits	Total
Law Clerk I, Range 13A, Anchorage, PFT - 12 Months	\$26,604	\$9,128	\$35,732
Security Guard, Range 10B, Anchorage, PFT - 12 Months	22,836	8,290	31,126
Law Clerk I, Range 13A, Fairbanks, PFT - 12 Months	30,372	9,966	40,338

	Total Personal Services		107,196

Travel:			
Jury sequestration - meals and lodging			112,500
Contractual:			
Security guard services for courts outside Anchorage			10,000
Jury fees			96,000
Bailiff costs			10,000
Transcription			50,000

	Total Contractual		166,000

EQUIPMENT: (one-time items)			
Standard office equipment and reference materials for law clerks			6,498
Walk-through metal detectors for Anchorage, Fairbanks, Juneau, and Ketchikan and hand-held metal detectors for other superior courts			12,450

	Total Equipment		18,948

Total First Year Cost			\$404,644
			=====

ALASKA COURT SYSTEM

SB 31 - CAPITAL PUNISHMENT

FISCAL IMPACT

Voter approval of capital punishment will result in an estimated 10 capital punishment trials each year. These trials will result in additional costs for the following reasons:

1. Personnel Costs and Related Costs. Extensive legal research is required for capital offenses. Additional law clerks will be needed to research motions and other judicial questions. Courtroom security will have to be strengthened for these cases. Personnel funds for an additional security guard for Anchorage and contractual funds for security services in other courts will be needed.
2. Travel Costs. Since death penalty cases are often subject to intense media exposure, expenses associated with jury sequestration and with change of venue can be expected.
3. Juror Selection. Jurors must be questioned individually in capital cases and some courts have required questioning in private. More jurors must be called and the process takes longer, with more challenges for cause, all of which results in higher jury fee expenditures. Similarly, additional bailiff costs can be expected.
4. Transcription Costs. Preparation of the voluminous record which accompanies a death penalty case will result in additional transcribing costs.
5. Equipment. Courtroom security requirements will necessitate the installation metal detectors in major court locations and the use of hand-held detectors in smaller courts to screen trial spectators.

The estimated annual costs associated with these items are summarized in the attached schedule.

28 JAN 87

SENATOR FISCHER,

PER OUR CONVERSATION TODAY,
ENCLOSED IS A COPY OF THE
REPORT WE DID EARLIER ON
CAPITAL PUNISHMENT. I HAD
FORGOTTEN THAT IT WAS DONE
FOR YOU!

I HAVE ALSO ENCLOSED
A COPY OF THE INFORMATIONAL
RELEASE FORM FOR YOUR
CONSIDERATION.

WE HAVE NOT DONE ANY
OTHER WORK ON THAT ISSUE.

JAN 30 1987



30 100
157 400,000

File
11-2-85

Alaska State Legislature

Advisory Council Members
Senator Bennett, Chairman
Senator Kerttula
Senator Abood
Senator Sackett



Pouch V
State Capitol
Juneau, Alaska 99811
Phone: (907) 465-3114

SENATE ADVISORY COUNCIL

JAN 30 1985

MEMORANDUM

TO: Senator Paul Fischer
FROM: Rob Nauheim, Researcher *RCN*
DATE: April 9, 1985
RE: Additional information on capital punishment

Please find enclosed a copy of a news item printed in the American Bar Association Journal (April 1985). This item was mentioned in a telephone conversation I had with personnel at the A.B.A. office about a month ago. Also enclosed is a short review from the State of Michigan of some of the important aspects of the capital punishment debate.

Hope that this information is helpful.

RCN
enclosures:

Mitigating -

Aggravating -

Suing back

Papers counter libel actions

Newspapers and magazines, lately targets in well-publicized libel suits, are starting to sue back.

The *Sacramento Bee* countersued Sen. Paul Laxalt, R-Nev., in October after he hit it with a \$250 million libel suit. E. W. Scripps Co., publisher of the *Cincinnati Post*, countersued ambulance driver Victor Ninio, who had sued it for libel. And the 55,160 circulation *Charleston Gazette* of West Virginia is countersuing two libel plaintiffs and planning to sue more.

"There has been a trend for the media to take a more aggressive approach in asserting counterclaims against libel suits," said Henry Kaufman, general counsel of New York's Libel Defense Resource Center. He explained that *Nemeroff v. Abelson* (704 F.2d 652), decided by the U.S. Court of Appeals for the Second Circuit in 1983, provides the precedent to recover attorney's fees from a plaintiff and his attorney if he starts or continues a suit "in bad faith" or without adequate factual basis.

In that case, financial publisher Dow Jones & Co. and two *Barron's* editors were awarded \$50,000 in attorney's fees



Chilton: Lawyers should be disciplined for "frivolous actions."

against a New York dentist and his law firm, Boston's Hale & Dorr, for their bad-faith continuance of a meritless securities fraud suit.

McClatchy Newspapers, which publishes the *Sacramento Bee*, filed a \$6 million countersuit against Sen. Laxalt in U.S. District Court for the District of Nevada alleging that the senator's action was a violation of its First Amendment rights (CV-R-84-407). Laxalt had sued



Kaufman: The media is taking a more aggressive approach.

the paper in September charging that he was libeled by articles alleging that there was "skimming" at a Carson City casino of which he was an owner in the early 1970s. Both suits are pending.

In the *Cincinnati* case, Ninio was involved in rescue operations at Riverfront Stadium when a "human stampede" occurred during a 1979 rock concert. After the tragedy, the *Post* published an article saying a Ninio ambulance was not equipped to provide oxygen and that Ninio previously had been convicted of numerous traffic violations. (Continued)

Cheaper to kill?

ABA eyes death penalty cost

Is it cheaper to put a felon to death or to keep that person imprisoned for life?

The question is being studied by a special committee of the American Bar Association, chaired by James Exum Jr. of Raleigh, an associate justice of the North Carolina Supreme Court.

The committee hopes to recommend whether the death penalty should be expanded to crimes besides murder. Only those convicted of murder have been executed since 1976 when the U.S. Supreme Court ruled that the death penalty is not unconstitutional in all circumstances. It could be applied provided that, in each case, the judge and jury considered mitigating factors.

"We're looking at the prosecution costs in terms of court time, multiple appeals, witness fees, anything that is a cost to the judicial system," he said. "No one has ever looked at the facts and figures.

For years, he said, "it's been thought that the death penalty is cheaper compared to the cost of keeping someone in jail. But a growing body of literature suggests that the death penalty is extremely expensive. If the sentence is appealed the courts can spend years on the same case. If the death penalty proves to be more expensive, the question becomes, Are the benefits worth the costs?"

Exum cited Florida, where 10 executions were carried out between 1979 and 1984. "Look at the Florida Supreme Court. It's been spending at least one-third of its time reviewing death cases. Is that the best use of its time?"

—Vicki Quade

REPRESENTATIVES JOSEPH FORBIS, *Chair* • EDGAR A. GEBRINKS • MICHAEL J. GRIFFIN • MATTHEW McNEELY
ERNEST W. NASH • JEFFREY PADDEN

LEGISLATIVE
COUNCIL

SENATORS JOHN M. ENGLER, *Alternate Chair* • PHIL ARTHURHULTZ • WILLIAM FAUST • R. ROBERT GEAKE
RUDY J. NICHOLS • MICHAEL J. O'BRIEN

Alternates: SEN. GARY G. CORBIN • REP. TEOLA P. HUNTER • REP. JACK KIRKSEY
SEN. RICHARD POSTHUMUS • SEN. WILLIAM A. NEDERBURG • REP. RICK SITZ

THE LEGISLATURE • STATE OF MICHIGAN

Legislative Service Bureau



125 W. Allegan, Third Floor

Lansing, Michigan 48913

Telephone (517) 373-0170

Volume 4 No. 6

3 1984

September 1984

STATE INFORMATION CENTER
CAPITAL PUNISHMENT

INTRODUCTION

Capital punishment is an issue that is continually discussed, disputed, and challenged. Since the United States Supreme Court decision in 1972 striking down existing death penalty statutes, much attention has centered on capital punishment. The rise in capital crimes during the seventies (approximately 2,000 premeditated and willful killings per year) also contributed to the increase in attention to capital punishment issues. In the past three years at least twelve states have considered new death penalty legislation and federal and state courts are constantly hearing appeals concerning death sentences.

There are more than 1,400 inmates presently living under a sentence of death as a result of capital offenses in the United States. Although a great many of these residents on death row were convicted and sentenced several years ago, many are now exhausting their legal appeals. This, in turn, has led to an increase in the number of executions. A study recently released by the United States Bureau of Justice Statistics found that of twenty people to die under the death penalty since the United States Supreme Court lifted its ban on such punishment in 1976, five were executed in 1983 and nine in 1984. The nine executions this year represent the highest rate in twenty years.¹

Thus, the stage has been set for much controversy and debate on the capital punishment issue. While acknowledging that any subject dealing with life and death is an emotional one, this paper will present a brief history of the subject, as well as major arguments both for and against the death penalty.

SUBJECT: *Capital Punishment*
DATE: *9/5/84*
STATE INFORMATION CENTER
COPY 1-1

APR 08 1985

Table I'

Capital Punishment: The Method of Execution and the Number of People on Death Row.

<u>State</u>	<u>Method</u>	<u>Death Row Population</u>
Alabama	electrocution	67
Arizona	gas	52
Arkansas	lethal injection	24
California	gas	144
Colorado	gas	1
Connecticut	electrocution	0
Delaware	lethal injection	6
Florida	electrocution	112
Georgia	electrocution	112
Idaho	lethal injection or firing squad	7
Illinois	electrocution	64
Indiana	electrocution	20
Kentucky	electrocution	18
Louisiana	electrocution	38
Maryland	gas	11
Massachusetts	(pending)	0
Mississippi	gas	39
Missouri	gas	23
Montana	hanging or lethal injection	20
Nebraska	electrocution	11
Nevada	lethal injection	20
New Hampshire	hanging	0
New Jersey	lethal injection	1
New Mexico	lethal injection	5
New York	electrocution	1
North Carolina	gas or lethal injection	35
Ohio	electrocution	16
Oklahoma	electrocution	16
Pennsylvania	electrocution	50
South Carolina	electrocution	29
South Dakota	electrocution	0
Tennessee	electrocution	34
Texas	lethal injection	162

Utah	firing squad or legal injection	4
Vermont	electrocution	0
Virginia	electrocution	20
Washington	hanging or lethal injection	3
Wyoming	gas	3

While there are federal laws which carry the death penalty as punishment, most have not yet had their constitutionality tested. However, measures are presently before the United States Congress which would establish procedures for imposing the death penalty in certain federal cases involving homicide, treason, espionage, or attempts to assassinate the president. Bills have also been introduced which would abolish the death penalty entirely.

Capital Punishment in Michigan

Since it became a state in 1837, the State of Michigan has never executed anyone. However, approximately twelve known executions have taken place in the territory that became Michigan. The last of these executions (until a federal case in 1938 when a man was convicted of treason) took place on September 24, 1830, when Stephen Simmons was hanged for murder. Public reaction to this hanging, as well as the reaction to a hanging in nearby Ontario of which the convicted murderer was later found to be innocent, are thought to be strong reasons for Michigan's early abolition movement.³

The State of Michigan became the first English-speaking jurisdiction in the world to legislate against the death penalty. The abolition of capital punishment became part of Michigan law when it was voted upon in 1846, nine years after Michigan became a state. In 1961-1962, when the constitutional convention was held, delegates voted to include the prohibition of the death penalty as part of our state constitution. As a result, Article IV, Section 46 of the Constitution of the State of Michigan of 1963 states "No law shall be enacted providing for the penalty of death."

Since 1846, there have been numerous attempts by the State Legislature to reinstate the death penalty in Michigan. The two legislative endeavors which came the closest to restoring capital punishment in Michigan occurred in 1929 and 1931. In 1929 a capital punishment bill passed both houses of the Legislature, but was vetoed by Governor Fred W. Green. In 1931 a bill providing for the death penalty passed both houses and was signed by Governor Wilber M. Brucker, with the provision that a referendum be held. The people

Cruelty of Life in Prison - Some say that life imprisonment is a more tortuous form of punishment than execution. Some prisoners prefer death.

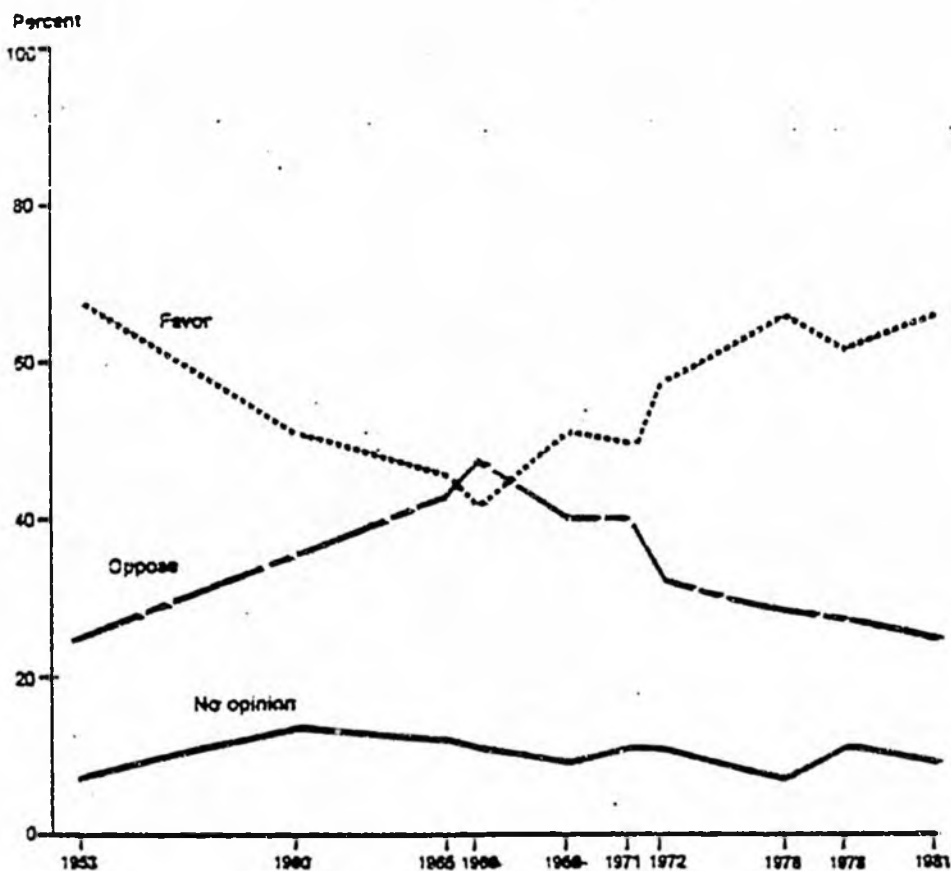
Retribution - Another argument for capital punishment is that it is morally right to be angry at criminals and to express that anger officially, publicly, and in a reciprocal manner. In this regard, the Bible speaks of "an eye for an eye, a tooth for a tooth". It is felt by many that execution is a fitting and just punishment for heinous crimes and that righteous anger is absolutely essential for a decent, just society.

Increased support - Proponents argue that most citizens do, in fact, favor capital punishment. The following table demonstrates popular public opinion in the United States.

Table II*

Attitudes toward Capital Punishment for Persons Convicted of Murder, United States, Selected Years 1953-81.

Question: "Are you in favor of the death penalty for persons convicted of murder?"



SUMMARY

When so much is at stake, the arguments, both for and against capital punishment, should be weighed closely and carefully. There are obviously many questions and points to consider. Is justice served by the use of the death penalty? For the most part, the answer will remain a value judgment depending upon religious and philosophical viewpoints. Strong beliefs, one way or another, will be common and there will be many who cannot decide. With the increasing number of people who are presently facing execution in our country, it is a question that will need to be addressed soon by judges, law enforcement officials, and the citizenry. As former Director of the Michigan Department of Corrections, Mr. Perry Johnson, states in a paper concerning capital punishment, "...This is a decision which the citizens of this state, each of us individually and alone, will make..."."

1. Leslie Maitland Werner, "Federal Study Finds Rate of Executions is Rising," New York Times, July 9, 1984, p. 8.
2. National Conference of State Legislatures, "Death Penalty Laws," NCSL, Denver, Colorado, 1984.
3. Edward W. Bennett, "The Reasons for Michigan's Abolition of Capital Punishment," Michigan History, November/December 1978, pp. 42-55.
4. Isaac Ehrlich, "The Deterrent Effect of Capital Punishment: A Question of Life and Death." American Economic Review, June 1975, pp. 397-417.
5. A list is cited in the brief of the State of California in Aikens v California, No. 68-5027, October Term 1971, United States Supreme Court.
6. Criminal Justice Research Center, "The Sourcebook of Criminal Justice Statistics--1981," (constructed of figures from: George H. Gallup, "The Gallup Poll," Princeton, N.J., Mar. 1, 1981.), Bureau of Justice Statistics, Albany, New York, p. 209.
7. Thorston Sellen, Capital Punishment, New York, Harper and Row, 1967, pp. 135-138.

Alaska State Legislature

Advisory Council Members
Senator Bennett, Chairman
Senator Kerttula
Senator Abood
Senator Sackett



Pouch V
State Capitol
Juneau, Alaska 99811
Phone: (907) 465-3114

SENATE ADVISORY COUNCIL

TO: Senator Paul Fischer
FROM: Rob Nauheim, Researcher *RNW*
DATE: March 14, 1985
RE: Capital Punishment

You have requested a preliminary cost estimate of capital punishment experienced by states which have actually utilized the death penalty. You also requested that the report should include an estimate of the incremental costs associated with capital case litigation and death row maintenance.

To date, no conclusive study has been located which satisfactorily accounts for the incremental legal costs associated with the appeals process in capital cases. The reason for this lack of information appears to be twofold:

1. The complexity and variability of capital punishment cases renders a meaningful assessment of cost extremely difficult. Ten or more state and federal levels of judicial review are available in capital cases.
 - a. The guilt and penalty phase of trial;
 - b. Review by state supreme court;
 - c. Writ of certiorari to the United States Supreme Court;
 - d. Post conviction relief proceedings;
 - e. Appeal of post conviction relief proceedings in the Court of Appeals;
 - f. Petition for hearing of post-conviction relief proceedings in the state supreme court;
 - g. Petition for Writ of habeas corpus to Federal District Court;
 - h. Appeal to the Federal Court of Appeals;
 - i. Rehearing in the Federal Court of Appeals;
 - j. Writ of certiorari to the Federal Court of Appeals;
2. Few states maintain any records of the amount of time which is dedicated to capital cases by state and county legal professionals. Public defenders, prosecuting attorneys, judges, paralegal

personnel and court employees usually have a variety of responsibilities out of which time devoted to capital cases is rarely measured.

Nevertheless, in 1982, the New York State Defender's Association (NYSDA) prepared a report entitled "Capital Losses: The Death Penalty in New York State", which attempted to quantify all legal costs associated with a capital case through the first three levels of litigation (a., b. and c. from above). It should be noted that this organization formally opposes the death penalty on moral and philosophical grounds. The tone of the report tends to reflect this perspective. In addition, the NYSDA cost figures used in the report do not always appear to be representative of costs which might be experienced in Alaska. Indeed, Laurie Robinson of the Criminal Justice Division of the American Bar Association indicated to me that the defense costs, as delineated in the NYSDA report, are inordinately high. However, some of the information should prove useful in estimating costs to the State of Alaska, particularly if applicable cost figures are substituted where the NYSDA figures seem inappropriate. In view of the advocacy nature of the report, it seems reasonable to suggest that the cost figures produced by the NYSDA as modified by the substitute costs might serve only as an indication of potential costs.

The NYSDA paper was prepared in 1982 in response to the exclusion of fiscal implications by the supporters of a death penalty bill which was introduced into the New York State Legislature that year. An important feature of that bill which exerts a great deal of influence on the cost estimates in the NYSDA paper is the provision which called for the appointment and compensation of defense attorneys,

". . . at such rates and or amounts as the court determines to be appropriate in order to provide such defendant with representation by counsel and other services as nearly equivalent to those available to defendants who are financially able to obtain such representation and the services for their defense and appeal" (N.Y. State Legislature, 1982, S7600/9379).

In other words, the cost of legal assistance, as figured in this study, is based on the notion that all defendants would acquire top rate legal council at the expense of the state. This cost is calculated at \$300.00 per hour in the trial portion of litigation and \$100.00 per hour in the appellate portion of litigation.

The NYSDA paper made an additional cost assumption that does not appear to be applicable to the situation in Alaska. In calculating those costs which are attributable to the state/county for prosecutions, the paper applies a factor to the calculated cost of defense which has the effect of rendering the costs of prosecution equal to about two and one-half times the cost of defense. This factor is used because of a reported state-wide disparity between the resources which are devoted to prosecution and defense in New York. Since this disparity does not seem to exist in Alaska (prosecution and public defense are provided by state wide agencies) a multiplier factor is not appropriate.

Investigator fees, as employed in the NYSDA paper, do not appear to be applicable to the situation in Alaska. The costs attributable to investigator fees in the NYSDA paper are based upon the contracting of professional investigators at extremely high fee rates (averaging \$1000/day). However, the State of Alaska employs investigators in the Department of Law and in the Public Defender Agency. Expert fees may be overestimated but they do not appear to play a major role in the overall cost. The overall conclusion of the NYSDA paper is that the cost of capital litigation is astronomical and that this factor should contribute positively to the argument against capital punishment.

The following table represents a comparison of the costs of capital litigation by employment of the NYSDA model and a modified version of the NYSDA model using more realistic figures. The cost figures employed in the modified version of the NYSDA model are derived using approximately the same amount of days of service in a capital case, but are less due to the pro-rating of total yearly personal costs as born by the State of Alaska.

LEGAL COSTS OF A CAPITAL MURDER CASE THROUGH
THE FIRST THREE LEVELS OF LITIGATION

TRIAL (GUILT AND PENALTY PHASE)

<u>NYSLA Paper</u>		<u>Modified</u>	
<u>Defense</u>			
Attorneys	\$ 212,700	Attorneys	\$ 46,000
Investigators	80,000	Investigators	17,000
Experts	60,000	Experts	30,000
<u>Prosecution</u>			
Attorneys	425,500	Attorneys	46,000
Investigators	240,000	Investigators	17,000
Experts	180,000	Experts	30,000
<u>Court</u>	<u>300,000</u>		<u>100,000 - 300,000</u>
Subtotal	\$1,500,100		\$286,000 - \$386,000
<u>APPEAL TO SUPREME COURT</u>			
<u>Prosecution and Defense</u>	\$ 160,000		\$ 70,000
<u>U. S. SUPREME COURT REVIEW</u>			
<u>Prosecution and Defense</u>	<u>\$ 170,000</u>		<u>\$ 72,000</u>
TOTAL Costs	<u>\$1,828,100</u>		<u>\$428,000 - \$628,000</u>

NYSDA. Attorney fees are based on \$300/hr. for guilt and penalty phases (709 hours); \$100/hr. for appeal phases (800 hours); expert witnesses fees are based on individual case examples of \$500/day; investigator fees are based on fees ranging from \$500/day to \$1500/day and up; and investigator fees are based on superlative examples of rates and fees.

Modified. Attorney fees based on Alaska Attorney V total yearly personal services plus \$50,000 for travel per year all of which is pro-rated according to the time per case (709 attorney hours) as specified in the NYSDA paper for the guilt and penalty phase, 800 hours for each appeal phase. Investigator fees based on Investigator III total yearly personal services pro-rated according to the time specified in the NYSDA paper. Expert fees are based on a rather arbitrary reduction of the figures employed by the NYSDA paper by 50%. This figure represents 60 days of contractual employment of an expert witness at the rate of \$500.00 per day.

COMPARISON OF ESTIMATED COST OF CAPITAL PUNISHMENT
AND COST OF LIFE IMPRISONMENT

Cost of Life Imprisonment In Maximum Security Prison:

\$110/day x 365 days/year x 44 years \$1,700,000

Net Cost Estimate of Capital Litigation Through First Three Stages:

	\$428,000 - \$628,000
Less the Cost of Non-Capital Trial	<u>107,000 - 157,000</u>
	<u>\$321,000 - \$471,000</u>

Prison costs are determined by multiplying the Department of Corrections system wide cost of \$85/capita/day by 1.25 to account for extra costs of maximum security incarceration (\$110/day). The length of imprisonment is calculated by subtracting the average age of execution in the U.S. (32 years) from the life expectancy (76 years) (U.S. Bureau of Justice Statistics 1983).

Non-capital murder case legal costs are extremely rough estimates which are based on the widely reported observation that capital cases require three to four times the amount of overall litigation (the Florida State Public Defender's Office reports funding for Public Defenders is based on the assumption that first degree murder cases require five times the resources of the average of other felony cases). Thus, non-capital murder cases are calculated at one-fourth of the capital case estimates.

The bottom line cost figures represent the costs associated with keeping a convicted murderer in a maximum security prison for life from the time at which he might have been executed were a death penalty in effect compared to the net costs of a hypothetical capital case carried through the first three levels of review and then executed. Costs for the incarceration of both kinds of prisoners is considered equal to the point at which one is executed.

Since actual cost of execution facility has been reported as insignificant in most states, it is not included. In the case where lethal injection is the method of execution, the cost of the construction of a death chamber could be calculated using the same cost per square foot as a maximum security prison. A death chamber could be simply a modified room with a few preparations for the administration of the injection.

While the disparity between the estimated costs of life imprisonment and capital punishment appears compelling, the following qualifications should be noted:

1. Total costs for capital litigation could be experienced on a yearly basis while the total costs of life imprisonment are incurred on a fractional basis representing 1/44th of the total cost each year. No attempt has been made to discount the cost of life imprisonment on the basis of the opportunity costs which are due to the higher initial cost of capital litigation.
2. The legal costs of a capital case are not calculated beyond the third step of a number of potential legal avenues.
3. The average amount of litigation per case should be expected to decrease after a state's lead cases answer many of the constitutional questions.
4. Certain costs are nonquantifiable. No attempt has been made to factor potential costs associated with loss of life resulting from:
 - a. Release of a prisoner under parole or commuted sentence. (commits murder following release)
 - b. Execution of an innocent person.
5. The potential legal costs due to an additional murder trial (murder committed by a person after parole or commutation of life sentence) are not considered.
6. The cost comparison employed in this paper considers the net cost of execution versus life imprisonment on a per-case basis in which it is assumed that all capital cases will produce a death sentence. No adjustment has been made to account for the additional costs per execution which arise from cases where the death penalty is pursued in court but is not imposed or never carried out. The overall cost increase would be reflected by the ratio

of unsuccessful capital cases (no death penalty is imposed or carried out) to the number of capital cases in which the death penalty is pursued, imposed and carried out.

OTHER APPROACHES

In a rather technical approach to the comparison of costs and benefits of the death penalty compared to life imprisonment, Hofler and Witte (1979) suggest that the benefit/cost ratio of capital punishment was nearly three times the benefit/cost ratio of life imprisonment. However, the authors make a number of assumptions which are unacceptable to many people. One of these assumptions is that the value of a human life is assessed at \$186,000. Recognizing this and other factors, the authors conclude that execution should not be preferred to a life sentence solely on grounds of economic efficiency.

COMMUNICATION WITH OTHER STATES

Frequently, the comments offered by the respective agency representatives seemed to reflect philosophical and moral motivations rather than fiscal concerns. Perspectives also reflected the advocacy role of the respective agencies. Corrections and prosecution personnel tended to minimize the costs of litigation. Public defenders often voiced concern for the greater responsibilities and costs involved in capital cases.

None of the states which responded could produce any definitive figures relating to legal costs. Costs for incarceration in maximum security prisons were obtained from many states but this information does not appear to be meaningful without a comparison to the costs of litigation. An inquiry into the effect of a state's death penalty statute on legal costs proved to be mostly unsuccessful. In most states, prosecution and defense costs are generated first at the county level and then at the state level. Moreover, no state contacted had approached the problem with an eye for delineating legal costs. No comprehensive approach to determining aggregate costs seemed plausible given the complexity of the problem and the limited time and resources available.

However, some public defender agencies commented that there had not been a great increase in the number of personnel employed by the agency in response to the state's death penalty statute. This may be an indication that costs of public defense may not be as acute as might be expected.

In Illinois, Bob Davison of the State Appellate Defender's Office, indicated that six attorneys and two secretaries had been hired in response to the passage of the death penalty statute in 1977. This increase in personnel represents a ten percent increase in the number of public defenders working at the appellate level. Mr. Davison speculated that the number of public defenders working statewide at the trial level had not increased significantly due to the death penalty.

In Idaho, a similar perspective was reported by Alan Trimming of the Public Defender's Office in Boise. Mr. Trimming speculated that the number of public defenders had not increased significantly statewide. However, he did emphasize that a great deal more time was required for capital cases than for non-capital murder cases.

In Connecticut, Pam Simon of the State Public Defender Services Office, reported that no increase in the number of public defenders could be attributed to the broadening of the state's death penalty statute in 1980. However, Connecticut has had only one capital case since the statute passed.

In most other states where the death penalty has existed for a long period of time, a "before and after" comparison of costs associated with public defense is not possible. The Furman vs. Georgia Supreme Court ruling which interrupted the use of the death penalty does not appear to have provided an sufficient period of time for the comparison of costs.

FISCAL NOTES

In response to the introduction of Senate Bill 119, several fiscal notes have been prepared by the various departments and agencies which anticipate fiscal impact. The following is a summary of the fiscal notes prepared to date (in thousands):

<u>Agency</u>	<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
Dept. of Corrections	\$1644.0	\$ 317.5	\$ 977.5	\$1026.3	\$1077.7
Public Defender Agency	1466.7	1477.0	1551.0	1628.0	1710.0
Ofc. of Public Advocacy	839.0	858.3	909.6	964.0	1021.7
Dept. Law, Prosecution			307.0	331.4	348.0
Court System (in preparation)	_____	_____	_____	_____	_____
TOTALS	<u>\$3949.7</u>	<u>\$2652.8</u>	<u>\$3745.1</u>	<u>\$3949.7</u>	<u>\$4157.4</u>

Upon inspection of these figures it becomes apparent that there exists a great disparity between the anticipated fiscal implications for the prosecuting and defense agencies. The Public Defender's Office and the Office of Public Advocacy have shown a combined yearly impact of approximately \$2.3 million beginning in 1987. This figure is over seven times the anticipated yearly cost to the Department of Law which does not expect its costs to begin until fiscal year 1989. Clearly, there is a difference in perspective since prosecution and defense costs should be approximately equal. At least part of this difference in perspective seems to be attributable to the application of some cost figures from the NYSDA paper by the defense agencies. Moreover, the public defense agencies base their costs on expectations of a total of fourteen capital cases per year. According to Richard Pegues, Director of Administrative Services in the Department of Law, this appears to be a generous estimation in view of the number of first degree murder cases in Alaska each year (approximately 30).

The fiscal note totals submitted by the Department of Corrections are predicated upon the necessity of building a separate addition to an existing prison facility for the purpose of incarcerating prisoners who are condemned to execution. In discussing this approach with William Ladwig, Deputy Commissioner of the Department of Corrections, I discovered that this premise is not substantiated. An alternative that has apparently not been considered is the option to modify the construction of the Seward maximum security prison which is just beginning construction at this time. Modifications would involve minor adjustments to a section of the prison to allow for segregation of death row prisoners from other maximum security prisoners. Mr. Ladwig agreed that this is a viable alternative that would probably not have significant fiscal implications. In addition, the fiscal note did not include any cost benefits (positive fiscal implications) which could be anticipated as a result of the reduction of maximum security prison populations due to execution.

The elimination of the fiscal note from the Department of Corrections and a modification of the two notes from the public defense agencies would greatly reduce the overall fiscal implications for SB 119. The reduction could be especially significant if the public defense agencies' fiscal notes are modified to the extent that their aggregate sum is equal to the amount of the fiscal note prepared by the Department of Law.

CONCLUSION

In view of the difficulties in determining the costs associated with capital punishment, this paper might be regarded as only an exercise for the purpose of illustration. While the cost figures for capital punishment seem favorable, the overall difference may not be significant enough to figure importantly in the arguments for or against capital punishment. It appears that the philosophical, moral and criminal justice aspects of this issue may be more germane to the ultimate dispensation of justice.

I will continue to build a resource file on this subject. If you should require additional assistance with this matter, please do not hesitate to call.

RCN
enclosures:

SELECTED BIBLIOGRAPHY

Hoffler, Richard A. and Witte, Ann D., 1979, Benefit-Cost Analysis of the Sentencing Decision: The Case of Homicide, In: The Cost of Crime, pp 165-186, Charles M. Gray, Editor, Sage Criminal Justice System Annuals Volume 12, Hollywood.

McPheters, Lee R., 1979, Measuring the Cost of Homicide
In: same as above

New York State Defenders Association, Inc., 1982, Capital Losses: The Price of the Death Penalty in New York State Albany, New York.

Turnbull, C., 1978, Death by Decree: An Anthropological Approach to Capital Punishment, In: Natural History, Vol. 87, No. 5, May 1978.

Nicolai, Sandra et al, 1981, The Question of Capital Punishment, CONTACT Inc.

U. S. Bureau of Justice Statistics Bulletin, 1984, Capital Punishment 1983.

U. S. Bureau of Justice Statistics Bulletin, 1982, Death Row Prisoners 1981.

U. S. Bureau of Justice Statistics, 1984, Capital Punishment 1984, National Prisoner Statistics 1984, August 1984



Bureau of Justice Statistics Bulletin

Capital Punishment 1983

Five persons were executed during 1983, bringing to 11 the total executed since the reinstatement of capital punishment in 1972 (figure 1).¹ This increase in the pace of executions came as many inmates on death row neared the end of a series of appeals and as the courts became increasingly reluctant to sanction a lengthy appeals process in capital punishment cases.

The executions that took place during 1983 brought to 3,870 the total conducted under civil authority in the United States since national reporting began in 1930 (figure 2).² After 1967, an unofficial moratorium on executions prevailed as legal challenges to the death penalty were pressed at various court levels. There were no executions until 1977, when one occurred. Two more followed in 1979, one in 1981, and two in 1982. Two-fifths of all execution since 1930 have taken place in five States, each with over 200 executions (figure 3).

Capital punishment in the courts

The number of successful challenges to the constitutionality of capital punishment laws has dropped off sharply in the past several years as guidelines set down in U. S. Supreme Court cases during the 1970's became incorporated into State capital punishment laws. In the 1972 decision in *Furman v. Georgia*, the Supreme Court for the first time struck down a State capital punishment law as unconstitutional under the Eighth Amendment. Five justices, in as many opinions, found the Georgia capital punishment law objectionable for a number of reasons, most of which were

related to the arbitrary application of the death sentence. Many States responded by adopting new laws designed to answer the Court's objections.

In 1976, in five cases considered together, the Court addressed these new laws and attempted to clarify its decision in *Furman*. In *Woodson v. North Carolina* and *Roberts v. Louisiana*, the Court struck down as unconstitutional State laws that eliminated all discretion from the sentencing process by imposing a mandatory death penalty for specific crimes. However, in *Gregg v. Georgia*, *Jurek v. Texas*, and *Proffitt v. Florida*, the Court upheld laws that provided guidelines to assist the sentencing authority in exercising the required discretion as it considers aggra-

July 1984

Data on persons under sentence of death are collected annually for the Bureau of Justice Statistics as part of the National Prisoner Statistics (NPS) program. Data are obtained from the departments of corrections in each of the 50 States and the District of Columbia. The Bureau of Justice Statistics gratefully acknowledges the cooperation of State officials whose generous assistance and unfailing patience make National Prisoner Statistics possible.

Steven R. Schlesinger
Director

Status of death penalty as of 12/31/83 and 1983 executions

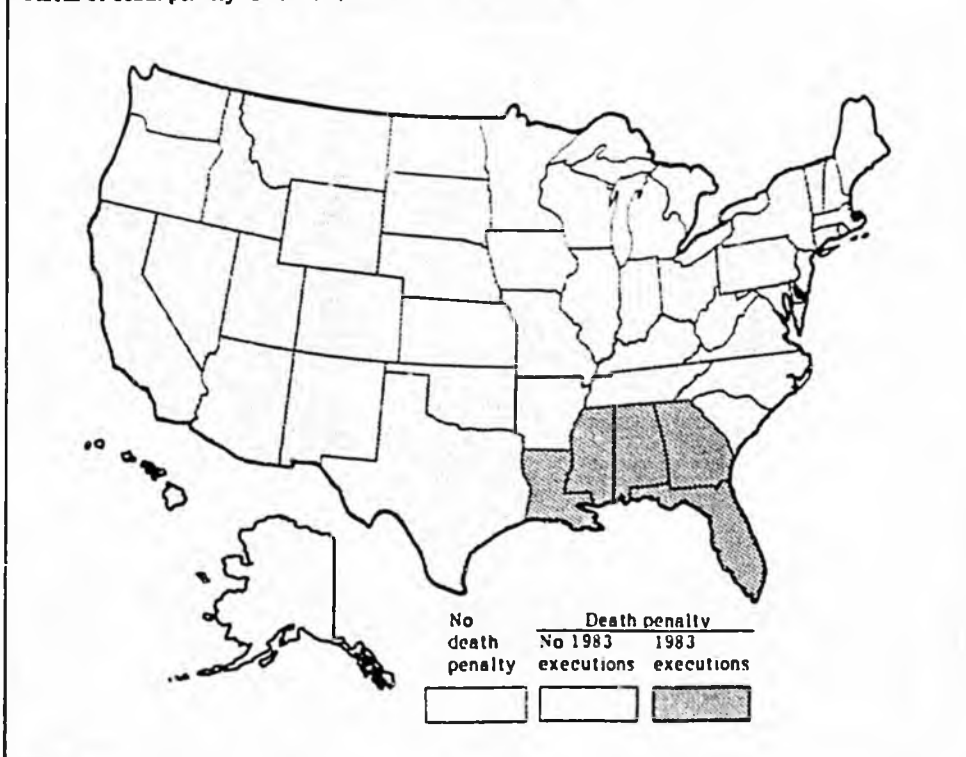


Figure 1

¹ As of June 20, 1984, 9 more persons had been executed, bringing the new total to 20 since 1977.

² In addition to those executed under civil authority, 160 persons have been executed under military authority since 1930.

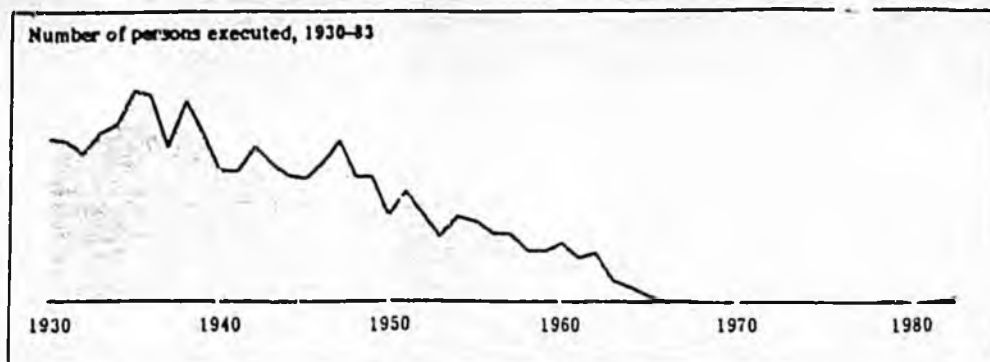


Figure 2

vating and mitigating circumstances surrounding the crime.

Further refinements were provided in a number of cases that reached the U.S. Supreme Court in the late 1970's and early 1980's. By 1982, few cases before the Court had the potential for producing the broad application of earlier decisions. In 1982, and again in 1983, no one was removed from death row because a State capital punishment law had been declared unconstitutional.

During 1983, one of the more important remaining issues in capital punishment was brought to the U. S. Supreme Court—that of proportionality. Proportionality, in the sense that capital punishment must not be excessive and disproportionate given the type of crime, had been mentioned in the plurality opinion of Justice Stewart in Gregg v. Georgia as being part of Eighth Amendment death penalty analysis. However, the concept that States must make punishment for a crime similar to sentences for similar crimes committed by offenders with similar characteristics had not yet been addressed by the Nation's highest court.

Early in 1984, the U. S. Supreme Court ruled in Pulley v. Harris that a proportionality review by a court of statewide jurisdiction is not a Constitutional requirement. Although many State death penalty laws provide for such a review, the court ruled that the Eighth Amendment does not require it as an invariable rule in every case. The Court held that California's death penalty statute and similar post-Furman laws, while perhaps "occasionally producing" aberrational outcomes, were "a far cry from the major systemic defects identified in Furman," and thus passed constitutional muster under the Eighth Amendment.

Three important cases were handed down by the U.S. Supreme Court on July 6, 1983: California v. Ramos, Barclay v. Florida, and Barefoot v. Estelle. In 1982, the California Supreme Court had ruled (in People v. Ramos) that a required instruction to the jury that a life sentence without parole could be commuted by the

Governor rendered the State's death penalty law unconstitutional under the Eighth Amendment of the Federal Constitution. However, the U. S. Supreme Court reversed that decision and held that the Federal Constitution does not prohibit such instructions to the jury. By bringing to the jury's attention the possible commutation of a life sentence, the instruction, the Court

State	Number of persons executed, by jurisdiction, 1930-83 (total 3,870)	
	Number executed since 1930	since 1977
Georgia	367	1
New York	329	
Texas	298	1
California	292	
North Carolina	263	
Ohio	172	
Florida	172	2
South Carolina	162	
Mississippi	155	1
Pennsylvania	152	
Alabama	136	1
Louisiana	134	1
Arkansas	118	
Kentucky	103	
Tennessee	93	
Virginia	93	1
Illinois	90	
New Jersey	74	
Maryland	68	
Missouri	62	
Oklahoma	60	
Washington	47	
Colorado	47	
Indiana	42	1
West Virginia	40	
District of Columbia	40	
Arizona	38	
Federal system	33	
Nevada	30	1
Massachusetts	27	
Connecticut	21	
Oregon	19	
Iowa	18	
Kansas	15	
Utah	14	1
Delaware	12	
New Mexico	8	
Wyoming	7	
Montana	6	
Vermont	4	
Nebraska	4	
Idaho	3	
South Dakota	1	
New Hampshire	1	
Wisconsin	0	
Rhode Island	0	
North Dakota	0	
Minnesota	0	
Michigan	0	
Maine	0	
Hawaii	0	
Alaska	0	

Figure 3

said, "invites the jury to assess whether the defendant is someone whose probable future behavior makes it undesirable that he be permitted to return to society..." Such considerations were approved of in Jurek v. Texas, but were emphasized as appropriate in California v. Ramos.

The Barclay case dealt with violations of State law committed during sentencing proceedings in capital punishment cases. In Barclay, the trial judge sentenced the defendant to death on the basis of several considerations. One of these, the defendant's past criminal record, was improper under the capital punishment statute. The Florida Supreme Court had upheld the sentence because under "harmless error analysis" it was clear that the judge's improper use of the defendant's record was a harmless error that did not alter the final sentence. On review, the Supreme Court upheld the Florida decision.

The Barefoot case was notable both because it upheld the admissibility of psychiatric evidence predicting future dangerousness and because the High Court approved the acceleration of the appeals process in capital cases. The Court used Barefoot to establish general guidelines for habeas appeals of capital sentences. The Court held that a strong showing that a federal right has been denied is needed to obtain a certificate of probable cause, and that even with the certificate, the court of appeals may expedite its consideration of the merits of habeas appeals. Thus, the court of appeals may deny an application for a stay of sentence if, in doing so, it determines that the defendant lacks substantial grounds on the merits; such procedures were held especially appropriate where the petition is a second or successive collateral attack.

On October 11, 1983, the U.S. Court of Military Appeals, the Nation's highest military court, ruled that sentencing procedures in the Uniform Code of Military Justice did not conform to U. S. Supreme Court guidelines set down in the 1972 and 1976 landmark decisions. As a result of this decision, U.S. v. Matthews, the death sentences of seven men condemned under court-martial procedures were removed. New regulations remedying the defects in the code were promulgated in an executive order effective January 24, 1984.

Among the issues still pending at yearend 1983 were the effectiveness of counsel in capital cases, the practice by trial judges of overriding a jury's sentence recommendation, and the admissibility of research findings of racial

discrimination in the imposition of the death penalty.

Massachusetts, which had an earlier law struck down in 1980, enacted a new law effective January 1, 1983, so that by the end of 1983, 38 States and the Federal government had laws authorizing the death penalty. This was the largest number of jurisdictions authorizing the death penalty since it was declared unconstitutional in 1972.

Persons under sentence of death at yearend 1983

The number of persons under sentence of death at yearend 1983 was 1,202, a 13% increase over yearend 1982 (figure 4). During 1983, 252 persons received the death penalty and 113, including the 5 executed, were removed from death row. The 252 death penalties imposed during 1983 was higher than in any other year since

at least 1968 except 1982. The number removed from death row during 1983 was higher than in the four previous years.

Since 1953, when the official count of those under sentence of death began, the number under sentence at yearend has increased almost tenfold (figure 5). The buildup on the Nation's death rows initially coincided with the legal challenges to the death penalty in the 1960's. All persons under sentence of death at the time of the 1972 Supreme Court decisions were eventually removed from death row. The buildup began anew as offenders were sentenced under laws passed after the 1972 and 1976 landmark decisions, marking the sharpest rise in the number of death-row inmates since data were first compiled.

All death-row prisoners remaining under sentence at yearend had been convicted of murder. One-third of the 902 persons under sentence of death for whom the information was available were already under sentence for another crime when arrested for capital murder. Most of them (19% of those reporting) were on parole, while 6% were on probation, 4% serving time in prison, 3% on escape, and 2% on various other types of prison release. Two-thirds of all death-row prisoners had been convicted of felonies before they were charged with a capital crime.

Of the 38 States authorizing the death penalty, 33 had prisoners under sentence of death at yearend 1983, more States than in any previous year. Five States (Connecticut, Massachusetts, New Hampshire, South Dakota, and Vermont) and the Federal system had death penalty laws on their books but no one on death row. No one has been under sentence of death in Federal facilities since 1977.

The 1,202 persons on death row were concentrated, as in previous years, mainly in the South, which held almost two-thirds of all death-row prisoners. Some 21% were held in correctional facilities in the West, 11% in the North Central States, and 3% in the Northeast. The States with the largest numbers on death row were Florida (193), Texas (163), California (149), and Georgia (102) (figure 4). Nine States held between 25 and 99 inmates under sentence of death; 10 held between 10 and 24 inmates; and 10 held between 1 and 9 inmates.

About a fifth of those on death row at yearend had received sentences during 1983. The median time on death row was 28 months, but almost 3 in 10 inmates had spent at least 4 years under sentence of death by yearend,

Prisoners under sentence of death, by region and State, 1983

Region and State	Prisoners under sentence of death 12/31/82	Changes during 1983		Prisoners under sentence of death 12/31/83
		Received under death sentence	Removed from death row (including executions*)	
United States	1,063	252	113*	1,202
Male	1,049	249	109*	1,185
Female	14	3	4	13
Federal ²	0	0	0	0
State	1,063	252	113*	1,202
Northeast	26	19	8	37
Connecticut	0	0	0	0
Massachusetts	0	0	0	0
New Hampshire	0	0	0	0
New Jersey	0	3	0	3
New York	0	1	0	1
Pennsylvania	26	15	8	33
Vermont	0	0	0	0
North Central	101	39	4	136
Illinois	50	16	2	64
Indiana	15	6	0	21
Missouri	21	2	0	23
Nebraska	12	0	2	10
Ohio	3	15	0	18
South Dakota	0	0	0	0
South	721	143	82	777
Alabama	38	13	2*	49
Arkansas	23	1	2	22
Delaware	6	0	0	6
Florida	186	34	27*	193
Georgia	105	7	10*	102
Kentucky	13	6	0	19
Louisiana	21	5	2*	24
Maryland	14	0	3	11
Mississippi	35	5	3*	37
North Carolina	28	11	6	33
Oklahoma	39	8	8	39
South Carolina	17	12	1	28
Tennessee	28	5	2	31
Texas	149	33	19	163
Virginia	19	3	2	20
West	215	51	14	252
Arizona	51	7	7	51
California	120	33	4	149
Colorado	2	0	1	1
Idaho	7	0	0	7
Montana	3	1	0	4
Nevada	18	6	1	23
New Mexico	5	1	0	6
Utah	3	1	0	4
Washington	3	2	1	4
Wyoming	3	0	0	3

NOTE: States not listed and the District of Columbia did not have the death penalty as of 12/31/83. Some of the figures shown for yearend 1982 are revised from those shown in Capital Punishment 1982 (final report), NCJ-91533. The revised figures include 23 inmates who were reported late to the NPS program or who were not in the custody of State correctional authorities by 12/31/82 (8 in Louisiana, 6 in Georgia, 2 in Alabama, and 1 each in Delaware, Illinois, Nevada, Oklahoma, Pennsylvania, Tennessee, and Texas), and exclude 10 inmates relieved of the death sentence before 12/31/82 (3 in Florida, 2 each in Mississippi and Tennessee, and 1 each in Arkansas, Georgia, and Oklahoma).

* 1983 executions: 1 each in Alabama, Florida, Georgia, Louisiana, Mississippi.

¹Includes five inmates who died of natural causes (one each in Alabama, Florida, Georgia, Louisiana, and Mississippi), three who committed suicide (one each in California, Colorado, and Texas), and one who was killed attempting to escape while on a court appearance (Texas).

²Excludes prisoners held under Armed Forces jurisdiction. Six such prisoners who were under sentence on 12/31/82 and one who was sentenced during 1983 were relieved of the death sentence on 10/11/83, leaving no one under military death sentence at yearend 1983.

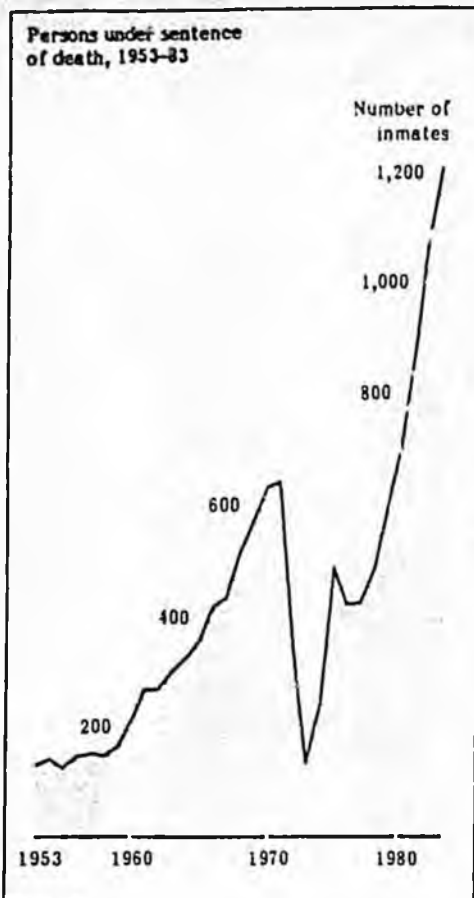


Figure 5

including 143 persons with 6 years or more on death row. The median age of death row prisoners was about 31 years, although the ages ranged from 17 to 82.

There were 500 black inmates under sentence of death in 1983. Since 1978, the proportion of death-row inmates who were black has remained about 2 in 5. Between 1968 and 1975, the proportion exceeded 50%; it dropped to 46% in 1976, 45% in 1977, and 41% in 1978. Blacks also amounted to about 2 in 5 inmates receiving new death sentences in 1983. Since 1968, the proportion of those receiving death sentences each year who were black ranged from 38% to 62%.

The 13 women on death row at year-end 1983 amounted to about 1% of all death-row inmates. Their number has more than tripled since 1972 (figure 6).

An increase in the number of Hispanics on death row brought to 72 the number of Hispanic death-row inmates at yearend 1983. Twelve States held at least one Hispanic under sentence of death with the largest numbers being held in States with relatively large Hispanic populations: California (24), Texas (20), Florida (8), and Arizona (6). Hispanics have generally averaged about 6% of the total death-row population in the United States since data on ethnicity were first collected in 1978. Their increase on death row in

relation to most non-Hispanics (about twice as fast since 1978) may in part reflect improved reporting on ethnicity.

Like that of most State prisoners, the educational level of death-row inmates was generally low; only 41% had completed high school, while 1 in 10 had not graduated from the eighth grade. Most death-row prisoners were not married; some 44% had never married, 20% were divorced or separated, and 2% were widowed.

Persons sentenced to death during 1983

Twenty-seven States, one less than in 1982, imposed death sentences during 1983. The number of new death sentences imposed fell from 281 in 1982 to 252 in 1983, a decline of over 10%. New York imposed its first death sentence since 1977 and New Jersey its first since a new law was enacted in 1982. Montana and Utah were the only other States that imposed sentences of death in 1983 but not 1982. Five States that had new death-row prisoners in 1983 imposed no death sentences in 1982: Colorado, Delaware, Idaho, Maryland, and Wyoming.

Three women were sentenced to death during 1983, two in Ohio and one in Alabama. Ohio last had women on death row in 1978, when four women had death sentences lifted when Ohio's law was found to be unconstitutional. Alabama had begun the year with one woman on death row.

Eighteen Hispanics received death sentences in 1983, the largest numbers being sentenced in California (6), Texas (4), and Florida (3).

The median age of those newly sentenced to death was just over 27 years, slightly higher for whites and slightly lower for blacks. With the exception of their being younger on the average, in-

Each year, some death sentences from previous years are reported for the first time, so the magnitude of the decrease may be lessened after the 1983 figures are revised.

Number of women on death row, yearend 1972-83												
State	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983
United States	4	3	3	8	7	6	5	7	9	11	14	13
California	3			1	2							
Georgia	1	2	1	1	1	1	2	3	4	4	3	
North Carolina		1	2	3			2	1	1	1	1	
Ohio				2	3	4						2
Oklahoma				1				1	1	1	2	2
Florida					1	1	1	1				
Alabama							1	1		1	1	2
Texas								1	2	2	2	
Kentucky									1	1		
Maryland										1		
Mississippi											1	1
Nevada											1	1

Figure 6

mates sentenced in 1983 were similar in most other characteristics to those already on death row.

Persons leaving death row during 1983

In all, 21 States had a combined total of 113 persons removed from death row during 1983. Ten States (Delaware, Idaho, Indiana, Kentucky, Missouri, Montana, New Mexico, Ohio, Utah, and Wyoming) had no removals, although they began the year with prisoners under sentence of death.

Of the 113 inmates who left death row—

- 60 had their sentences lifted but convictions upheld
- 28 had their sentences and convictions vacated
- 11 had their sentences commuted
- 5 were executed
- 5 died of natural causes
- 3 died by suicide
- 1 was killed while attempting escape

The five persons executed spent from 4-1/2 to 10 years on death row, with an average stay of 7 years and 2 months. In addition to the five who were executed, five persons died of natural causes, three committed suicide, and one was killed attempting to escape while in court. Since the major capital punishment decisions handed down by the Supreme Court in 1976, the number removed from death row has dropped each year with two exceptions—1980 (when 42 persons were removed from Alabama's death row after a major court decision there) and 1983.

Over half of the 99 persons no longer under sentence of death at the end of the year were serving reduced sentences (almost all of them life). Twenty-one persons were still awaiting retrial and 19 persons were awaiting resentencing. One person had all capital charges dropped.

The median time spent on death row by those who left during 1983 was 38

months. For the first time since the death row buildup began anew after 1976, the median time was lower than that of the previous year. More than half of the removals occurred in three of the four States with the largest death-row populations, Florida, Georgia, and Texas. California, with the Nation's third largest death-row population, had four removals from death row during 1983.

Death penalty laws in 1983

During 1983, 11 States modified existing death penalty statutes. Six of the 11 changed those sections of the law relating to the method of execution. Four States (Arkansas, Montana, North Carolina, and Utah) added lethal injection as a method of execution; Illinois changed from electrocution to lethal injection and Nevada from gas to lethal injection. For the remaining five States, the changes were mainly of a technical nature, including renumbering sections of the law, changing words, and correcting citations. Indiana added a new aggravating circumstance to its capital punishment law: that of murder committed by a person serving a prison term with at least 20 years of time remaining.

Fourteen States provided for more than one method of execution, usually lethal injection or an alternate method, at the election of the condemned prisoner (figure 7). Electrocution was the most common method of execution provided for in the statutes; 18 States had electrocution as a method of execution. Lethal injection was permitted in 13 States; lethal gas in 8 States; hanging in 4 States; and a firing squad in 2 States. Some States have anticipated the possibility that lethal injection may be found unconstitutional by providing for an alternate method. Each of the other four methods challenged on Eighth Amendment grounds as cruel and unusual punishment have been found constitutional.

Almost all death penalty statutes provide for an automatic review of all

death sentences. Some require a review of both conviction and sentence while others require only a review of the sentence. Typically, the review is undertaken by the State supreme court and results in affirming or vacating the conviction alone or both the conviction and sentence. If either the conviction or the sentence is vacated, the case may be remanded to the trial court for additional proceedings. Some statutes also allow the State supreme court to commute a death sentence to life imprisonment.

In some States, a minimum age for the imposition of the death penalty is cited in State law; in others, the minimum age is, in effect, the youngest age at which a juvenile may be transferred to adult court by judicial waiver. In South Dakota, for example, 10 is the youngest age at which a juvenile may be waived to adult court, and thus, at least technically, the youngest age at which the death penalty may be imposed. At the opposite extreme, in New York only persons over age 18 may be executed. The majority of States put the age limit at 15 to 18, with 18 being the most prevalent age. However, a number of States have neither a specific age at which a juvenile may be transferred to criminal court by judicial waiver nor a minimum age at which the death penalty may be imposed. In such States, the decision to file capital charges against youthful defendants is at the discretion of the prosecutor.

Methodological note

Statistics in this series may vary from other death-row counts for any of the following reasons:

Inmates are not added to the NPS death-row counts at the time the court hands down sentence, but at the time they are admitted to a State or Federal correctional facility.

Inmates sentenced to death under statutory provisions later found unconstitutional are removed from the death-row count on the date of the relevant court finding rather than on the date

Bureau of Justice Statistics Bulletins are prepared by BJS staff. Carol B. Kalish, chief of data analysis, edits the bulletins. Marilyn Marbrook, chief of production, administers their publication, assisted by Millie Baldea, Dorothea M. Proctor, Betty Sherman, and Joyce M. Stanford. Ethel D. Harris provided statistical assistance. The author of this bulletin is Mimi Cantwell of BJS.

NCJ-93925, July 1984

the finding is applied to individual cases. Thus, persons who are technically under sentence of death, but who are no longer at risk, are not counted.

NPS death-row counts are always as of the last day of the calendar year and will therefore differ from estimates made for more recent periods.

To be added to any BJS mailing list, copy or cut out this page, fill it in and mail it to

National Criminal Justice Reference Service
User Services Dept. 2
Box 6000
Rockville, MD 20850

If the name and address on the mailing label attached are correct, check here and don't fill them in again. If your address does not show your organizational affiliation (or interest in criminal justice) please put in here

If your name and address are different from the label, please fill them in

Name

Title

Organization

Street or box

City, State, Zip

Telephone ()

Interest in criminal justice

Please put me on the mailing list(s) for

- All BJS reports — 30 to 40 reports a year, including 12 bulletins and many special reports
- BJS Bulletins — timely reports of the most current justice data
- Courts reports — State court caseload surveys, model annual State reports, State court organization surveys
- Corrections reports — results of sample surveys and censuses of jails, prisons, parole, probation, and other corrections data
- National Crime Survey reports — the Nation's only regular national survey of crime victims
- Sourcebook of Criminal Justice Statistics (annual) — broad-based data from 153 sources in an easy-to-use, comprehensive format (433 tables, 103 figures, index)

You will be asked each year if you wish to remain on the mailing list. If you do not reply, your name will be removed.

Method of execution, by State, 1983	
Method	States that use method
Electrocution	Alabama, Arkansas*, Connecticut, Florida, Georgia, Indiana, Kentucky, Louisiana, Massachusetts*, Nebraska, New York, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Vermont, Virginia
Lethal injection	Arkansas*, Idaho*, Illinois, Massachusetts*, Montana*, Nevada, New Jersey, New Mexico, North Carolina*, Oklahoma, Texas, Utah*, Washington*
Lethal gas	Arizona, California, Colorado, Maryland, Mississippi, Missouri, North Carolina*, Wyoming
Hanging	Delaware, Montana*, New Hampshire, Washington*
Firing squad	Idaho*, Utah*
*Provides for two methods of execution.	

Figure 7

Bureau of Justice Statistics reports (revised June 1984)

Single copies are available free from the National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850 (use NCJ number to order). Postage and handling are charged for multiple copies: up to 10 titles free, 11-40, \$10 more than 40, \$20, libraries call for special rates (301/251-5500).

Public-use tapes of BJS data sets and other criminal justice data are available from the Criminal Justice Archive and Information Network, P O Box 1248, Ann Arbor, Mich. 48106, (313/764-5199).

National Crime Survey

Criminal victimization in the U.S.:
1973-82 trends, NCJ-90541, 9/83
1981 (final report), NCJ-90208

BJS special reports:

The economic cost of crime to victims, NCJ-93450, 4/84
Family violence, NCJ-93449, 4/84

BJS bulletins:

Criminal victimization 1983, NCJ-93869, 6/84
Households touched by crime, 1983, NCJ-93658, 5/84
Violent crime by strangers, NCJ-80829, 4/82
Crime and the elderly, NCJ-79614, 1/82
Measuring crime, NCJ-75710, 2/81

The National Crime Survey: Working papers,
vol. I: Current and historical perspectives,
NCJ-75374, 8/82

Crime against the elderly in 26 cities,
NCJ-76706, 1/82

The Hispanic victim, NCJ-69261, 11/81
Issues in the measurement of crime,
NCJ-74682, 10/81

Criminal victimization of California residents,
1974-77, NCJ-70944, 6/81

Restitution to victims of personal and household
crimes, NCJ-72770, 5/81

Criminal victimization of New York State
residents, 1974-77, NCJ-66481, 9/80

The cost of negligence: Losses from preventable
household burglaries, NCJ-53527, 12/79

Rape victimization in 26 American cities,
NCJ-55878, 8/79

Criminal victimization in urban schools,
NCJ-56396, 8/79

Crime against persons in urban, suburban, and
rural areas, NCJ-53551, 7/79

An introduction to the National Crime Survey,
NCJ-43732, 4/78

Local victim surveys: A review of the issues,
NCJ-39973, 8/77

Expenditure and employment

Justice expenditure and employment in the
U.S., 1979 (final report), NCJ-87242, 12/83

Justice expenditure and employment in the
U.S., 1971-79, NCJ-92596 (forthcoming)

National Prisoner Statistics

BJS bulletins

Capital punishment 1983, NCJ-93925, 7/84
Prisoners in 1983, NCJ-92948, 4/84
Prisoners 1925-81, NCJ-85861, 12/82

Prisoners in State and Federal institutions on
December 31, 1981 (final report), NCJ-86485,
7/83

Capital punishment 1981 (final report),
NCJ-86484, 5/83

1979 survey of inmates of State correctional facilities
and 1979 census of State correctional facilities

BJS special report

Career patterns in crime, NCJ-88672, 6/83

BJS bulletins:

Prisoners and drugs, NCJ-87575, 3/83
Prisoners and alcohol, NCJ-86223, 1/83
Prisons and prisoners, NCJ-80697, 2/82
Veterans in prison, NCJ-79632, 11/81

Census of jails and survey of jail inmates:
Jail inmates 1982 (BJS bulletin), NCJ-87161, 2/83

Census of jails, 1978: Data for individual jails,
vols. I-IV, Northeast, North Central, South, West,
NCJ-72279-72282, 12/81

Profile of jail inmates, 1978, NCJ-65412, 2/81

Census of jails and survey of jail inmates, 1978,
preliminary report, NCJ-55172, 5/79

Parole and probation

BJS bulletins:

Probation and parole 1982, NCJ-89874
9/83

Setting prison terms, NCJ-76218, 8/83

Characteristics of persons entering parole
during 1978 and 1979, NCJ-87243, 5/83

Characteristics of the parole population, 1978,
NCJ-66479, 4/81

Parole in the U.S., 1979, NCJ-69562, 3/81

Courts

The prosecution of felony arrests, 1979, NCJ-
86482, 5/84

Habeas corpus (BJS special report), NCJ-92949,
3/84

State court caseload statistics:
1977 and 1981 (BJS special report),
NCJ-87587, 2/83

State court organization 1980, NCJ-76711, 7/82

State court model statistical dictionary,
NCJ-62320, 9/80

A cross-city comparison of felony case
processing, NCJ-55171, 7/79

Predicting sentences in Federal courts: The
feasibility of a national sentencing policy,
NCJ-33686, 10/78

State and local prosecution and civil attorney
systems, NCJ-41334, 7/78

Privacy and security

Computer crime:

Electronic fund transfer and crime,
NCJ-92650, 2/84

Computer security techniques,
NCJ-84049, 9/82

Electronic fund transfer systems and crime,
NCJ-83736, 9/82

Legislative resource manual, NCJ-78890, 9/81

Expert witness manual, NCJ-77927, 9/81

Criminal justice resource manual, NCJ-61550,
12/79

Privacy and security of criminal history information:

A guide to research and statistical use,
NCJ-69790, 5/81

A guide to dissemination, NCJ-40000, 1/79

Compendium of State legislation:
NCJ-48981, 7/78

1981 supplement, NCJ-79652, 3/82

Criminal justice information policy:

Research access to criminal justice data,
NCJ-84154, 2/83

Privacy and juvenile justice records,
NCJ-84152, 1/83

Survey of State laws (BJS bulletin),
NCJ-80836, 6/82

Privacy and the private employer,
NCJ-79651, 11/81

General

BJS bulletins:

Federal drug law violators, NCJ-92692
2/84

The severity of crime, NCJ-92326, 1/84

The American response to crime: An overview
of criminal justice systems, NCJ-91936, 12/83

Tracking offenders, NCJ-91572, 11/83

Victim and witness assistance: New State
laws and the system's response, NCJ-87934,
5/83

Federal justice statistics, NCJ-80814, 3/82

Sourcebook of Criminal Justice Statistics, 1983,
NCJ-91534, forthcoming 10/84

Report to the nation on crime and justice:
The data, NCJ-87068, 10/83

BJS five-year program plan, FY 1982-86, 7/82
Violent crime in the U.S. (White House briefing
book), NCJ-79741, 6/82

Dictionary of criminal justice data terminology:
Terms and definitions proposed for interstate
and national data collection and exchange, 2nd
ed., NCJ-76939, 2/82

Technical standards for machine-readable data
supplied to BJS, NCJ-75318, 6/81

Justice agencies in the U.S., 1980, NCJ-65560,
1/81

Indicators of crime and criminal justice:
Quantitative studies, NCJ-62349, 1/81

A style manual for machine-readable data,
NCJ-62766, 9/80

U.S. Department of Justice
Bureau of Justice Statistics

Official Business
Penalty for Private Use \$300

Postage and Fees Paid
U.S. Department of Justice
Jus 436

THIRD CLASS
BULK RATE



Washington, D.C. 20531

KNGSE011
SUSAN E KNIGHTON
RESEARCH ANALYST
ADULT CORRECTIONS AGENCY
POUCH T
JUNFAU AK 99801

Bulletin



Bureau of Justice Statistics Bulletin

Death-row Prisoners 1981

The death-row population in the United States swelled to 838 persons by yearend 1981—150 more than at yearend 1980. It was by far the largest group awaiting execution since a national count began in 1953. The cause of this huge accumulation of condemned prisoners was a 3 to 1 ratio of persons receiving the death penalty to those removed from death row during 1981. Among the latter was an Indiana prisoner who was executed in March 1981, the fourth person to suffer the death penalty since an unofficial 10-year moratorium on executions ended in 1977.

A decade of decisions

The relatively small group, 74 in all, relieved of the death sentence during 1981 reflected increasingly successful efforts of State legislatures to adapt capital punishment laws to guidelines established by the U.S. Supreme Court

during the 1970's. During the previous decade, opponents of the death penalty had stepped up their use of litigation to block the execution of death-row prisoners, actions that largely were responsible for the moratorium that began in 1967.

Then, in the 1972 watershed case of Furman vs. Georgia, the U.S. Supreme Court ruled that the death penalty had often been used in an arbitrary and capricious manner, thereby violating Eighth Amendment guarantees against cruel and unusual punishment. All of the 600 persons sentenced under pre-Furman laws and awaiting death were eventually removed from death row. But the accumulation began again as many States moved quickly to revise their capital punishment statutes to meet objections raised by the Court.

The new laws generally were of two types. Some States sought to eliminate

any chance of unfair treatment by making the death penalty mandatory for specified crimes, contingent solely on a finding of guilt. A second type went beyond the

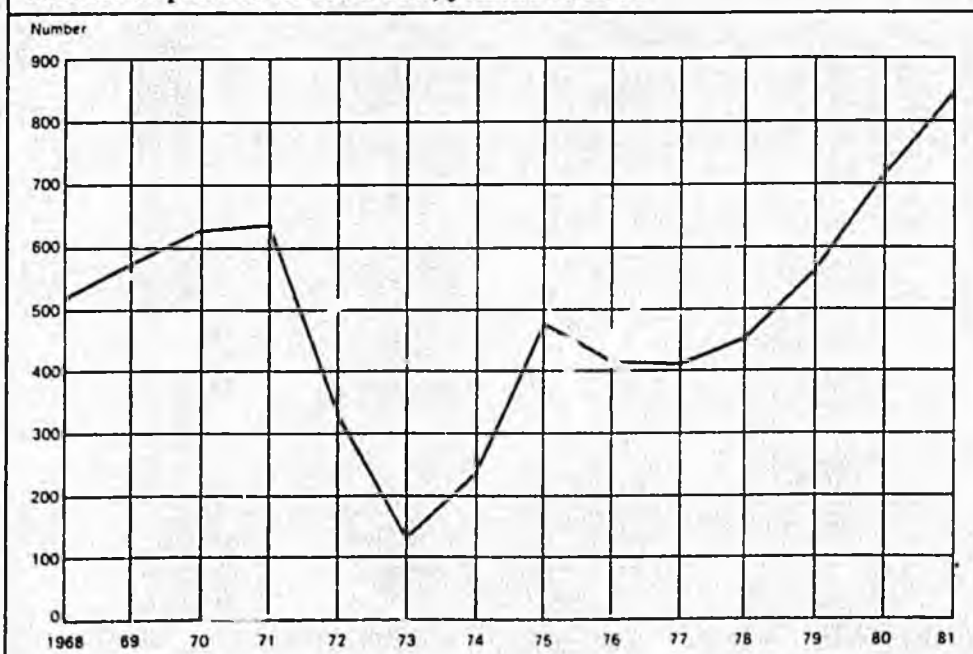
July 1982

The United States will witness a spate of executions beginning in 1983-84 without parallel in this Nation since the depression era. Whatever views one may hold on the use of capital punishment, that is the reality behind the numbers presented here—both those dealing with prisoners on death row and the number of State capital punishment statutes that have passed Federal or State constitutional muster.

The number of persons on death row has been rising steadily for 5 years; only four persons were executed during this period, three of whom chose not to exhaust their avenues of appeal. A similar buildup on death row occurred during the sixties, but these persons were all removed from the threat of capital punishment as a result of the Supreme Court decision in Furman vs. Georgia.

Now again time is running out for a large proportion of individuals awaiting capital punishment. States have drafted and redrafted capital punishment measures and the Supreme Court is overturning fewer and fewer on Eighth Amendment or other constitutional grounds. Further, many death-row residents are exhausting their appeal process under these statutes. Thus the situation is ripe for the Nation to witness executions at a rate approaching the more than three per week that prevailed during the 1930's. We will then have a grim arena in which to conduct our national debate on the eff:

Number of persons on death row, yearend 1968-81



Status of death penalty statutes and prisoners under sentence of death, by region and State, 1981

Region and State	Death penalty in force as of 12/31/81	Prisoners under sentence of death 12/31/80	Changes during 1981			Prisoners under sentence of death 12/31/81
			Received under death sentence	Removed from death row	Executed	
United States	...	688	228	77 ¹	1	838
Male	...	679	225	76	1	827
Female	...	9	3	1	0	11
Federal ²	Yes	0	0	0	0	0
State	...	688	228	77	1	838
Northeast	...	7	5	1	0	11
Maine	No	0	0	0	0	0
New Hampshire	Yes	0	0	0	0	0
Vermont	Yes	0	0	0	0	0
Massachusetts	No	0	0	0	0	0
Rhode Island	No	0	0	0	0	0
Connecticut	Yes	0	0	0	0	0
New York	Yes	0	0	0	0	0
New Jersey	No	0	0	0	0	0
Pennsylvania	Yes	7	5	1	0	11
North Central	...	54	25	1	1	77
Ohio ³	Yes	0	0	0	0	0
Indiana	Yes	6	5	0	1	10
Illinois	Yes	31	11	1	0	41
Michigan	No	0	0	0	0	0
Wisconsin	No	0	0	0	0	0
Minnesota	No	0	0	0	0	0
Iowa	No	0	0	0	0	0
Missouri	Yes	7	7	0	0	14
North Dakota	No	0	0	0	0	0
South Dakota	Yes	0	0	0	0	0
Nebraska	Yes	10	2	0	0	12
Kansas	No	0	0	0	0	0
South	...	522	141	58	0	605
Delaware	Yes	3	1	0	0	4
Maryland	Yes	2	7	1	0	8
District of Columbia	No	0	0	0	0	0
Virginia	Yes	13	5	1	0	17
West Virginia	No	0	0	0	0	0
North Carolina	Yes	15	5	3	0	17
South Carolina	Yes	14	8	1	0	21
Georgia	Yes	87	5	1	0	91
Florida	Yes	155	24	18	0	161
Kentucky	Yes	5	4	0	0	9
Tennessee	Yes	15	8	2	0	21
Alabama	Yes	2	14	0	0	16
Mississippi	Yes	14	13	0	0	27
Arkansas	Yes	15	12	4	0	23
Louisiana	Yes	12	0	2	0	10
Oklahoma	Yes	30	9	3	0	36
Texas	Yes	140	26	22	0	144
West	...	105	57	17	0	145
Montana	Yes	3	0	0	0	3
Idaho	Yes	1	2	1	0	2
Wyoming	Yes	1	0	1	0	0
Colorado	Yes	0	1	0	0	1
New Mexico	Yes	1	2	0	0	3
Arizona	Yes	33	8	3	0	38
Utah	Yes	4	0	1	0	3
Nevada	Yes	10	4	2	0	12
Washington ³	Yes	5	0	5	0	0
Oregon ³	No	3	0	3	0	0
California	Yes	44	40	1	0	83
Alaska	No	0	0	0	0	0
Hawaii	No	0	0	0	0	0

NOTE: Some of the figures for yearend 1980 are revised from those shown in *Capital Punishment, 1980* (final report), December 1981. These figures exclude 46 inmates (42 in Alabama, and 1 each in Arizona, Georgia, Illinois, and Louisiana) relieved of the death sentence before 1981 and the inclusion of 20 inmates (8 in Georgia, 2 in Florida, 1 in Texas, 2 in Mississippi, 6 in Louisiana, and 1 in Virginia) who, although sentenced to death before 1981, were either reported late

to the NPS program or were not the in custody of relevant correctional authorities by December 31, 1981.

¹Includes 1 Florida prisoner who committed suicide and 2 Texas prisoners who died of natural causes.

²Excludes 4 prisoners held under Armed Forces jurisdiction.

³The death penalty was in effect for only part of the year in Ohio, Oregon, and Washington. See text.

issue of guilt to the circumstances of the crime.

In 1976, the U.S. Supreme Court ruled on five cases that became the benchmark for subsequent capital punishment laws. In two of these—*Woodson vs. North Carolina* and *Roberts vs. Louisiana*—the Court struck down statutes that imposed mandatory death sentences without due consideration of other factors. In the other three cases, however—*Gregg vs. Georgia*, *Proffitt vs. Florida*, and *Jurek vs. Texas*—the Court upheld death penalty laws that allowed the judge or jury, subject to stipulated guidelines, to weigh both aggravating and mitigating circumstances in passing sentence. Based on these rulings, most States have adopted laws that carefully define the elements of a capital crime and provide for guided discretion in determining the sentence.

Since 1976, the U.S. Supreme Court has scrutinized the details of many cases involving capital punishment, but has chosen relatively few for formal review. The most significant of these decisions was *Coker vs. Georgia* (1977) in which the Court held that rape of an adult woman was not grave enough to warrant the death penalty. As a result of this decision, virtually all capital penalties now in effect are for specified homicides or for specified felonies that result in death; those for other offenses have not had their constitutionality tested. Currently, all death-row inmates are convicted of homicide, except for two Florida inmates convicted of "sexual battery of a female child age 11 or under."

Current developments

By yearend 1981, at least four cases were awaiting a review by the High Court, while an important decision on the legal rights of capital prisoners was rendered in May of that year. In *Estelle vs. Smith*, the Court ruled that psychiatric testimony derived from the pretrial competency hearing of a Texas prisoner could not be used by the prosecution during the penalty phase of the proceedings, since in that hearing the defendant had not been warned of his right to remain silent and to retain counsel. The decision, which touches on a judicial practice common in Texas, could eventually affect as many as half of that State's death-row prisoners.

The supreme courts of individual States also handed down important rulings during 1981. Two such rulings resulted in the removal of all prisoners from death row in two States.

Oregon's supreme court, in *Oregon vs. Quinn*, ruled that the State's death penalty law was unconstitutional because it placed the responsibility for deciding a defendant's mental state on the judge rather than the jury, in effect depriving

the accused of the right to a jury trial. As a result of this ruling, the death sentences of all three of Oregon's death-row inmates were vacated.

Washington's capital punishment law also was struck down by its supreme court. In *State vs. Frampton*, the court found that the defendant, who pleaded not guilty, could be sentenced to death, whereas defendants who pleaded guilty could not because the law did not provide for a sentencing jury in such cases. Frampton's death sentence was changed to life imprisonment, and the court vacated the death sentences of the State's remaining four death-row inmates, whose cases also were on appeal. A month later, in May 1981, the Washington legislature replaced the unconstitutional law with one designed to overcome the defect.

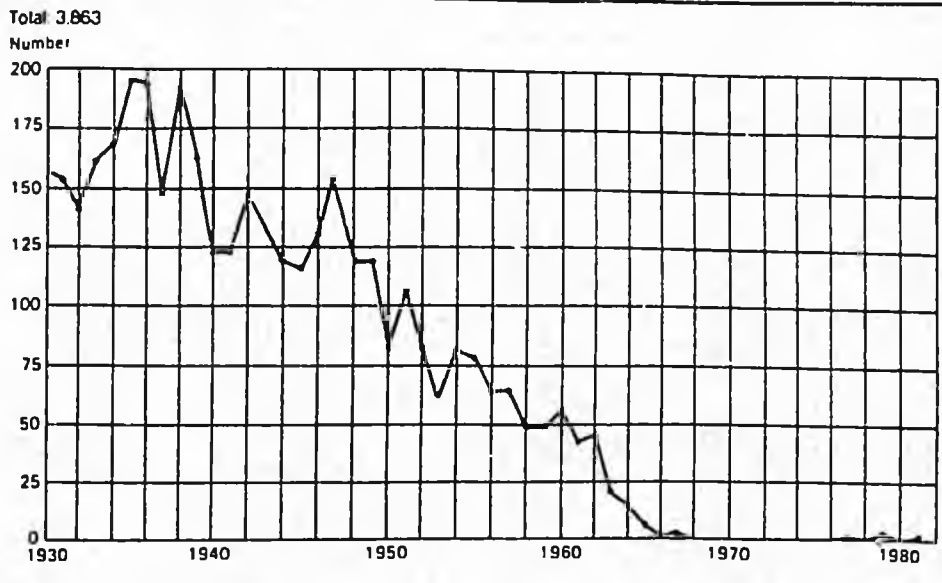
In other legislative actions taken during 1981, one State created a new capital offense, one State reenacted its death penalty law, and four revised existing ones. Oklahoma, which already had the death penalty for murder, passed a law making rape of a minor or mental incompetent a capital offense. Ohio passed a new capital punishment law to replace one ruled unconstitutional by the U.S. Supreme Court in 1978 (*Lockett vs. Ohio*). The law had put undue limitations on the circumstances that the sentencing authority could consider in its deliberation. Alabama, in response to the 1980 decision rendered by its supreme court in *Beck vs. Alabama*, also revised its death penalty law. The new law allows the jury to convict a defendant of lesser crimes rather than, as provided by the original law, only the capital offense. It also establishes a dual trial procedure, one for determining guilt and one for sentencing, as well as a mandatory appellate review. Connecticut, Texas, and Virginia made minor changes in their death penalty laws before the end of the year.

In 1981 for the first time, States reported whether their death penalty laws provided for automatic appeal from death sentences. With the exception of Arkansas, New York, and the Federal system, the statutes of all jurisdictions call for an automatic appeal, even if the defendant wished to waive the right. Some State laws provide for review of the sentence only; others require a review of both conviction and sentence.

Death sentences in 1981

With Ohio added to the list of States that permit capital punishment and Oregon removed from it, the total number of States (36) that had the death penalty in effect at yearend 1981 was the same as a year earlier. Of the 28 States with prisoners awaiting execution at yearend 1981, 25 had handed down the death penalty at least once during the year.

Number of persons executed, by year, 1930-81



Florida had more persons (161) awaiting execution than any other State; next were Texas (144) and Georgia (91). These three States held close to half of all prisoners on death row in the Nation.

Among States that contributed to the net increase of 150 prisoners, California's growth (from 44 to 83) was the largest. Next were Alabama (14) and Mississippi (13). No other State added more than 10, and five States (Louisiana, Oregon, Utah, Washington, and Wyoming) decreased the number of persons they had awaiting execution.

Blacks accounted for 41% of the Nation's death-row population—about the same proportion as a year earlier. Members of races other than white or black accounted for 1%.

Eleven women were under sentence of death at yearend 1981, two more than the year before. Maryland, Georgia, and Alabama each sentenced one woman during the year; one woman was relieved of the death penalty in Florida. All 11 women on death row were in southern States—4 in Georgia, 2 in Texas, and 1 each in Maryland, North Carolina, Kentucky, Alabama, and Oklahoma. Eight were white; three were black.

The number of Hispanics sentenced to die rose to 47—21% more than in 1980. Fourteen received new sentences; only six were relieved of the death sentence. Texas held the most Hispanics (16); next were California (12), Florida and Arizona (5 each), Illinois (4), and Virginia, Arkansas, New Mexico, Utah, and Nevada (1 each).

The number of new death-row inmates (228) represented a 16% increase over the number sentenced in 1980 and was one of

the highest figures reported for the decade. California imposed the most new sentences (40) followed by Texas (26) and Florida (24). None of the other 22 States that handed down sentences during the year added more than 14.

For every three persons added to death row during 1981, only one was relieved of the death sentence. Texas granted the most dispositions (22), followed by Florida (18). All death-row inmates in Oregon and Washington were relieved of their death sentences as a result of State supreme court decisions. No other State relieved more than four prisoners of the death penalty.

The national total of 78 removals from death row included 1 execution in Indiana, 1 suicide in Florida, and 2 natural deaths in Texas. Since 1971, 29 prisoners have died while on death row, most from natural causes. Four died by execution, and at least five committed suicide.

Methodological note

Data on persons under sentence of death are collected annually for the

Bureau of Justice Statistics Bulletins are prepared principally by the staff of the bureau. Carol B. Kalish, chief of policy analysis, edits the bulletins. Marilyn Marbrook, head of the publications unit, administers bulletin publication, assisted by Scott G. Alexander and Julie A. Ferguson. Susan Schechter-Ryan of the Bureau of the Census is the principal author of this bulletin.

NCJ-83191, July 1982

Bureau of Justice Statistics by the U.S. Bureau of the Census as part of the National Prisoner Statistics (NPS) program. Data are obtained from the departments of corrections in each of the 50 States and the District of Columbia. The Bureau of Justice Statistics gratefully acknowledges the cooperation of State officials whose generous assistance and unflinching patience make National Prisoner Statistics possible.

Statistics in this series may vary from other death-row counts for any of the following reasons:

- Persons are not added to the NPS

death-row counts at the time the court hands down sentence, but at the time the condemned person is received by the appropriate correctional authority.

- Inmates sentenced to death under statutory provisions later found unconstitutional are removed from the death-row count on the date of the relevant court finding rather than on the dates the finding is applied to individual cases.
- NPS death-row counts are always as of the last day of the calendar year and will therefore differ from estimates made for more recent periods.

Further reading

A final report on the death-row population in 1981 will be published in late 1982. To obtain the final 1980 report, Capital Punishment 1980, NCJ-78600, or to be added to the bulletin mailing list, write to the National Criminal Justice Reference Service, Box 6000, Rockville, Md. 20850. Other National Prisoner Statistics Bulletins include—

- Veterans in Prison, October 1981, NCJ-79232;
- Prisons and Prisoners, January 1982, NCJ-80697;
- Prisoners in 1981, May 1982, NCJ-82262.

U.S. Department of Justice
Bureau of Justice Statistics

Official Business
Penalty for Private Use \$300

Postage and Fees Paid
U.S. Department of Justice
Jus 436

THIRD CLASS
BULK RATE



Washington, D.C. 20531

Bulletin

State Statistical agencies

The Bureau of Justice Statistics has sponsored the development of statistical analysis centers in more than 40 States. Users desiring data specific to single States should call or write the persons listed below. Users unable to contact a particular State should contact Herbert Koppel at (202) 724-7770 or the Criminal Justice Statistics Association at (202) 347-4608.

Alabama

Ron Shum, Deputy Director
Alabama Criminal Justice
Information Center
858 South Court Street
Montgomery, AL 36104
(205) 832-4930

Alaska

Larry Hooton
Assistant Commissioner
Department of Public Safety
Pouch N
Juneau, AK 99811
(907) 465-4345

Arizona

Tom Epperlien, Director
Statistical Analysis Center
Department of Public Safety
Post Office Box 6638
Phoenix, AZ 85005
(602) 262-8082

Arkansas

Larry Cockrell
Manager, Research and Statistics
Arkansas Crime Information Center
No. 1 Capitol Mall
Little Rock, AR 72201
(501) 371-2221

California

Steve Crawford, Program Manager
Bureau of Criminal Statistics
Post Office Box 13247
Sacramento, CA 95813
(916) 739-5166

Colorado

Patricia A. Malak, SAC Director
Division of Criminal Justice
Department of Public Safety
1325 S. Colorado Blvd., B-700
Denver, CO 80222
(303) 866-3331

Connecticut

Gerald Stowell
Chief of Research
Justice Planning Division, OPM
80 Washington Street
Hartford, CT 06106
(203) 566-3522

Delaware

Michael H. Rabasca, Director
Statistical Analysis Center
60 The Plaza
Dover, DE 19901
(302) 736-4626

District of Columbia

Shirley Wilson
Executive Director
Office of Criminal Justice
420 7th Street, N.W.
Washington, D.C. 20064
(202) 727-6495

Florida

William Bales, Director
Bureau of Public Safety Management
Department of Community Affairs
2571 Executive Center Circle East
Tallahassee, FL 32301
(904) 488-8016

Georgia

Thomas J. McGreevy, Director
Georgia Crime Information Center
Post Office Box 17745
Atlanta, GA 30334
(404) 656-6110

Hawaii

Steven E. Vidinha, Director
Hawaii Criminal Justice Data Center
465 South King Street
Honolulu, HI 96813
(808) 548-2090

Idaho

William Overton, Chief
Technical Services Unit
Department of Law Enforcement
6081 Clinton Street
Boise, ID 83704
(208) 334-3161

Illinois

Scott Levin, Deputy Executive Director
Illinois Criminal Justice Information
Authority
120 South Riverside Plaza
Tenth Floor
Chicago, IL 60606
(312) 793-8550

Iowa

Paul Stageberg, Director
Statistical Analysis Center
Office for Planning and Programming
523 East 12th Street
Des Moines, IA 50319
(515) 281-3108

Kansas

Michael Boyer, Supervisor
Statistical Analysis Center/UCR
Kansas Bureau of Investigation
3420 Van Buren
Topeka, KS 66611
(913) 267-5000

Kentucky

John R. Lancaster, Director
Division for Grant Programs
Kentucky Department of Justice
State Office Building Annex
Frankfort, KY 40601
(502) 564-3251

Louisiana

Arle L. Jackson, Research Director
Louisiana Commission
on Law Enforcement
1885 Woodale Boulevard, Rm 610
Baton Rouge, LA 70806
(504) 925-4440

Maine

Steven Woodard, Director
Maine Criminal Justice Data Center
Department of Corrections
State Office Building, Sta. III
Augusta, ME 04333
(207) 289-2711 289-2285

Maryland

Caely Conly, Chief
Research and Statistics
Criminal Justice Coordinating Council
One Investment Place, Suite 700
Towson, MD 21204
(301) 321-3614

Massachusetts

Jennifer Panagopoulos
Director of Research
Committee on Criminal Justice
100 Cambridge Street, 21st Floor
Boston, MA 02202
(617) 727-6300

Michigan

Henry Verkaik, Director
Research and Statistical Analysis
Office of Criminal Justice
Lewis Cass Building
Post Office Box 30026
Lansing, MI 48909
(517) 373-6510

Minnesota

Steve Coleman
Statistical Analyst
State Planning Agency
550 Cedar Street
Saint Paul, MN 55101
(612) 296-1715

Mississippi

Karen Skadden
Operations Management Analyst
Statistical Analysis Center
510 George Street, 2nd Floor
Jackson, MS 39201
(601) 354-6041

Missouri

Martin Carso, Director
Statistical Analysis Center
Missouri Highway Patrol
1510 East Elm
Jefferson City, MO 65101
(314) 751-4026

Montana

A. Laurence Petersen, Chief
Planning and Research Bureau
Montana Board of Crime Control
303 North Roberts Street
Helena, MT 59620
(406) 444-3604

Nebraska

Bruce Ayers, Chief
Accounting Division
NB Commission on Law Enforcement
Post Office Box 94946
Lincoln, NE 68509
(402) 471-2194

New Hampshire

Mark C. Thompson, Director
Statistical Analysis Center
Office of the Attorney General
State House Annex
Concord, NH 03301
(603) 271-3658

New Jersey

Meherji D. Wadia, Chief
Data Analysis Center
Division of Systems and Communications
P.O. Box CN-113, River Road
West Trenton, NJ 08625
(609) 292-4719

New Mexico

Thomas H. Hurley, Director
Statistical Analysis Center
Law Enforcement Academy
P.O. Box 2323
Sante Fe, NM 87503
(505) 827-3033

New York

Richard Rosen
Research Unit Director
Office of Program Development &
Research
Division of Criminal Justice Services
Executive Park Tower, Stuyvesant Plaza
Albany, NY 12203
(518) 453-6913

North Carolina

David Jones, Director
Governor's Crime Commission
Department of Crime Control
Post Office Box 27687
Raleigh, NC 27611
(919) 733-5013

North Dakota

Robert J. Helten, Coordinator
Criminal Justice Research
Attorney General's Office
State Capitol
Bismark, ND 58505
(701) 224-2594

Ohio

Jeffrey Knowles
Research Administrator
Ohio Department of Development
Office of Criminal Justice Services
Box 1001 State Office Towers
Columbus, OH 43216
(614) 466-5126

Oklahoma

Jon Steen, Senior Data Analyst
State Bureau of Investigation
2132 Northeast 36th, Box 11497
Oklahoma City, OK 73136
(405) 427-5421

Oregon

Clinton Goff, Supervisor
Crime Analysis Center
Department of Justice
100 Justice Building
Salem, OR 97310
(503) 378-8056

Pennsylvania

Phillip Renniger, Director
PA Commission on Crime and Delinquency
Post Office Box 1167
Harrisburg, PA 17108
(717) 787-5152

Puerto Rico

Julio L. Rosa Santiago, Director
Statistical Analysis Center
Department of Justice
Post Office Box 192
San Juan, PR 00902
(809) 783-7306

Rhode Island

Norman Dakake, Director
Statistical Analysis Center
Governor's Commission on Justice
222 Quaker Lane, Suite 100
West Warwick, RI 02893
(401) 277-2620

South Carolina

Ernest C. Euler, Supervisor
Division of Public Safety
Governor's Office
1205 Pendleton Street
Columbia, SC 29201
(803) 758-8940

South Dakota

Don Gromer, Director
State Statistical Center
Rol Kebach Training Center
Pierre, SD 57501
(605) 773-3215

Tennessee

Dawn R. Fought
Juvenile Justice Specialist
State Planning Office
505 Deaderick Street, Suite 1800
Nashville, TN 37219
(615) 741-5619

Texas

Gilbert J. Pena
Executive Director
Criminal Justice Division
Box 12428, Capitol Station
Austin, TX 78711
(512) 475-1281

Utah

Dr. Richard Oldroyd
Commission on Criminal
and Juvenile Justice
Room 137
Utah State Capitol Building
Salt Lake City, UT 84114
(801) 533-7932

Virginia

Bill Hamm, Director
Statistical Analysis Center
Law Enforcement Planning Commission
Post Office Box 3807
St. Thomas, VI 00801
(809) 774-6400

Virginia

Paul Kolmetz, Director
Statistical Analysis Center
Department of Criminal Justice
805 East Broad Street
Richmond, VA 23219
(804) 786-7811

Washington

Jack O'Connell
Forecasting and Estimation Division
Office of Financial Management
Insurance Building, AQ44
Olympia, WA 98504
(206) 754-2811

Wisconsin

Harry Yates, Administrator
Wisconsin Council on Criminal Justice
30 West Mifflin Street
Suite 1000
Madison, WI 53702
(608) 266-7646

Wyoming

David J. Roberts, Director
Center for Criminal Justice Research
DCI
Boyd Building, 4th Floor
Cheyenne, WY 82002
(307) 777-7512XD

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB 31
Publish Date: _____

Revision Date: _____
Title: "An Act authorizing capital
punishment..."
Sponsor: Fischer, Kelly, Faiks
Requestor: Senate Judiciary

Agency Affected: Administration
BRU: Office of Public Advocacy
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-0-	-0-	-0-	244.7	254.5	264.7
TRAVEL				37.8	39.3	40.9
CONTRACTUAL				589.9	613.5	638.0
SUPPLIES				4.3	4.5	4.7
EQUIPMENT				15.3	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	892.0	911.7	948.3

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	892.0	911.7	948.3
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	892.0	911.7	948.3

POSITIONS:

FULL-TIME	-0-	-0-	-0-	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-1684
Date: 2/23/87

Approved by Commissioner: Garrey Peska
Agency: Department of Administration

Date: 2/4/87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB31

The passage of death penalty legislation would have a dramatic fiscal impact on the Office of Public Advocacy. The OPA is purely reactive agency and must provide legal representation when appointed by the court. The OPA is responsible for providing representation to indigent criminal defendants in cases where the Alaska Public Defender Agency has a conflict of interest.

This office's estimate that it will be responsible for three capital cases in FY90 is dependent upon the following two assumptions: (1) a slight numerical increase in the number of first degree murder cases which fall within the OPA statutory mandate, and (2) the Department of Law will request the death penalty in only one-third of all First Degree Murder cases.

The Office of Public Advocacy would assign at least two experienced attorneys to each capital case in accordance with the policy of numerous states in which the death penalty has become law. Each case will necessitate an exhaustive pretrial investigation, contracts with numerous expert witnesses, and extensive litigation of legal issues during pretrial proceedings, trial, and numerous appellate stages.

The New York Defender Association estimated expert witness fees at \$60,000 per case. Further, travel costs will be extraordinary high because this Anchorage-based death penalty team must provide statewide representation.

It is anticipated that the Office of Public Advocacy will have to contract for representation in at least one death penalty case per year. Such a case would arise when OPA has a conflict of interest. The New York Defender Association has estimated the cost of defense services in each case to be \$350,000.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 31

SB31 continued:

Personal Services

Anchorage

Attorney V Salary & Benefits	=	82.2
Attorney IV Salary & Benefits	=	77.1
Investigator III Salary & Benefits	=	52.8
Legal Secretary I	=	<u>32.6</u>
Subtotal Personal Services		244.7

Travel

Necessary travel for court hearings,
investigation, expert witnesses, etc. 37.8

Contractual

Additional office for four positions in Anchorage = 17,500		17.5
Expert witness fees based on three cases per year at 64,800 per case		194.4
Contract representation for one case per year where OPA has a conflict of interest at 378,000 per case		<u>378.0</u>
Subtotal Contractual		589.9

Supplies

Stationary, library and office
supplies for four new positions
at 1,080 per position = 4,320 4.3

Equipment

Office furniture & equipment for
three professional positions at 2,623
each and one legal secretary at 7,385 15.3

TOTAL: 892.0

Note: All figures are based on FY88 rates plus 8%
in order to approximate FY90 actual costs.

Position Title Attorney V		No. of Positions 1	Range/Step 25/A	Barg. Unit X																																							
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8																																							
<table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th>2</th> <th>Amount</th> </tr> <tr> <th>1</th> <th></th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td>60,252</td> <td></td> </tr> <tr> <td>Benefits</td> <td>15,808</td> <td></td> </tr> <tr> <td>Premium Pay</td> <td></td> <td></td> </tr> <tr> <td>Other +8% for FY90</td> <td>6,128</td> <td></td> </tr> <tr> <td>Total Personal Services</td> <td></td> <td>82,188</td> </tr> <tr> <td>Travel</td> <td></td> <td></td> </tr> <tr> <td>Contractual</td> <td></td> <td></td> </tr> <tr> <td>Commodities</td> <td></td> <td></td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> <tr> <td>Total Cost</td> <td></td> <td>82,188</td> </tr> </tbody> </table>		Type of Expenditure	2	Amount	1		3	Salary	60,252		Benefits	15,808		Premium Pay			Other +8% for FY90	6,128		Total Personal Services		82,188	Travel			Contractual			Commodities			Equipment			Other			Total Cost		82,188	Justification This position would be the lead attorney of the death penalty team consisting of an additional lawyer, an investigator, and a legal secretary. The position is required to supplement the current attorney staff which falls short of LEAA national caseload standards. This position would be responsible for supervising the investigator, the preparation of all pretrial and trial motions and the filing of appeals in state and federal court. The requirement of extensive court hearings and a lengthy trial in each case will necessitate that this position be assigned exclusively to death penalty cases.		
Type of Expenditure	2	Amount																																									
1		3																																									
Salary	60,252																																										
Benefits	15,808																																										
Premium Pay																																											
Other +8% for FY90	6,128																																										
Total Personal Services		82,188																																									
Travel																																											
Contractual																																											
Commodities																																											
Equipment																																											
Other																																											
Total Cost		82,188																																									
<table border="1"> <thead> <tr> <th colspan="2">Funding Source for Total Cost</th> <th></th> </tr> </thead> <tbody> <tr> <td>Federal Receipts</td> <td>1002</td> <td></td> </tr> <tr> <td>G. F. Match</td> <td>1003</td> <td></td> </tr> <tr> <td>General Fund</td> <td>1004</td> <td>82,188</td> </tr> <tr> <td>I-A Receipts</td> <td>1006</td> <td></td> </tr> <tr> <td>CIP Receipts</td> <td>1061</td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> </tbody> </table>		Funding Source for Total Cost			Federal Receipts	1002		G. F. Match	1003		General Fund	1004	82,188	I-A Receipts	1006		CIP Receipts	1061		Other																							
Funding Source for Total Cost																																											
Federal Receipts	1002																																										
G. F. Match	1003																																										
General Fund	1004	82,188																																									
I-A Receipts	1006																																										
CIP Receipts	1061																																										
Other																																											

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

Page 4 of 7
 Revised Date _____

FY 88

Position Title Attorney IV		No. of Positions 1	Range/Step 24/A	Barg. Unit X																																																												
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8																																																												
<table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th>1</th> <th>2</th> <th>Amount</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td></td> <td>56,244</td> <td></td> <td></td> </tr> <tr> <td>Benefits</td> <td></td> <td>15,177</td> <td></td> <td></td> </tr> <tr> <td>Premium Pay</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Other +8% for FY90</td> <td></td> <td>5,691</td> <td></td> <td></td> </tr> <tr> <td colspan="3">Total Personal Services</td> <td></td> <td>77,112</td> </tr> <tr> <td>Travel</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Contractual</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Commodities</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="3">Total Cost</td> <td></td> <td>77,112</td> </tr> </tbody> </table>		Type of Expenditure	1	2	Amount	3	Salary		56,244			Benefits		15,177			Premium Pay					Other +8% for FY90		5,691			Total Personal Services				77,112	Travel					Contractual					Commodities					Equipment					Other					Total Cost				77,112	Justification This position will act as co-counsel to the Attorney V position in all death penalty cases. As part of the death penalty team, this position will prepare motions, interview witnesses, write appellate briefs and assist the lead attorney in conducting the guilt and penalty phases of all death penalty cases. Two attorneys are required for each case in order to share the enormous workload and to assure effective representation of the accused.		
Type of Expenditure	1	2	Amount	3																																																												
Salary		56,244																																																														
Benefits		15,177																																																														
Premium Pay																																																																
Other +8% for FY90		5,691																																																														
Total Personal Services				77,112																																																												
Travel																																																																
Contractual																																																																
Commodities																																																																
Equipment																																																																
Other																																																																
Total Cost				77,112																																																												
<table border="1"> <thead> <tr> <th colspan="2">Funding Source for Total Cost</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Federal Receipts</td> <td>1002</td> <td></td> </tr> <tr> <td>G. F. Match</td> <td>1003</td> <td></td> </tr> <tr> <td>General Fund</td> <td>1004</td> <td>77,112</td> </tr> <tr> <td>I-A Receipts</td> <td>1006</td> <td></td> </tr> <tr> <td>CIP Receipts</td> <td>1061</td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> </tbody> </table>		Funding Source for Total Cost		Amount	Federal Receipts	1002		G. F. Match	1003		General Fund	1004	77,112	I-A Receipts	1006		CIP Receipts	1061		Other																																												
Funding Source for Total Cost		Amount																																																														
Federal Receipts	1002																																																															
G. F. Match	1003																																																															
General Fund	1004	77,112																																																														
I-A Receipts	1006																																																															
CIP Receipts	1061																																																															
Other																																																																

**Request For
New Position**

Agency Administration
BRU Office of Public Advocacy
Component _____

Page 5 of 7
Revised Date _____

FY 88

Position Title Investigator III		No. of Positions 1	Range/Step 18/A	Barg. Unit G
Time Status PFT	Staff Months 12	Location EBA-Anchorage		Election District 8
Justification				
<p>This position will perform all investigative duties in death penalty cases. Extensive experience in all areas of criminal investigations will be required to assure that defendants facing execution receive a thorough and effective investigation. This position will interview witnesses, examine the crime scene and all physical evidence, arrange transportation, serve subpoenas, follow-up and review the prosecution investigation and coordinate witness testimony.</p> <p>The OPA current has no investigator positions. It is anticipated that the position will work full time on death penalty cases.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary	37,356			
Benefits	11,570			
Premium Pay				
Other +8% for FY90	3,914			
Total Personal Services		52,840		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		52,840		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	52,840		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

Page 6 of 7
 Revised Date _____

FY 88

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10/A	Barg. Unit G
Time Status PFT	Staff Months 12	Location EBA-Anchorage.		Election District 8
Type of Expenditure		Amount		
1	2	3		
Salary	22,020			
Benefits	8,164			
Premium Pay				
Other +8% for FY90	2,415			
Total Personal Services		52,599		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		52,599		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	52,599		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Justification				
<p>The Anchorage office of OPA is presently staffed with 3 legal secretaries who provide clerical support to 12 professional positions. The addition of 2 attorneys and 1 investigator will increase the Anchorage clerical workload dramatically. The complex issues involved in death penalty cases and the length of each case through sentencing and appeal necessitates the addition of a legal secretary to handle the increased workload.</p>				

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

Page 7 of 7
 Revised Date _____

FY 88

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version : SB31

Publish Date : _____

Revision Date: _____

Agency Affected Dept. of Administration

Title : "An Act authorizing capital punishment..."

BRU: Public Defender Agency

Sponsor: Sen. Fischer, Kelly, Faiks

Components: Third Judicial District

Requestor: Senate Judiciary

Fourth Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		743.1	772.8	803.7	835.9	869.3
TRAVEL		225.0	234.0	243.3	253.1	263.2
CONTRACTUAL		450.0	468.0	486.7	506.2	526.5
SUPPLIES		27.0	28.1	29.2	30.4	31.6
EQUIPMENT		60.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		1505.1	1502.9	1563.0	1625.6	1690.6

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		NA	NA	1563.0	1625.6	1690.6
FEDERAL FUNDS						
OTHER						
TOTAL		NA	NA	1563.0	1625.6	1690.6

POSITIONS:

FULL-TIME		NA	NA	12.0	12.0	12.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Effective date of Aug. 15, 1989, so FY90 budget predicated on 4% inflation factor based on FY88 figures.

See attached analysis

Prepared by: Dana Fabe, Public Defender

Phone: 279-7541

Division: Public Defender Agency

Date: Feb. 25, 1987

Approved by Commissioner: Garrey Peska

Date: 3/4/87

Agency: Department of Administration

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 31

If this death penalty bill is enacted, representation of the poor in death cases must be adequate. The United States Supreme Court has recognized that death penalty cases require greater due process procedural safeguards than do non-capital cases. This is due to the severity and finality of a death sentence as well as the potential for killing an innocent person by mistake. Some degree of mistake is of course a potential problem in all criminal cases. In non-death cases, the system stands ready to correct those mistakes where they become known. An execution can never be corrected.

Due to these considerations, the processing of a death case is much more complex and expensive than other criminal cases. Not only are extraordinary amounts of attorney time and substantial expert fees necessary in the guilt phase of a trial, but the penalty phase, in which a jury determines whether or not to put a person to death, takes on tremendous significance. This penalty phase requires extensive preparation, the use of psychiatric experts and family and friends from out-of-state, as well as other necessary expenditures.

Finally, even after the death penalty has been imposed, the appeal procedures in death penalty cases are lengthy and time consuming. After guilt and penalty phases of a case, the following procedures would be routinely necessary:

1. Motion to modify before trial judge.
2. Appeal of conviction and sentence to Alaska Supreme Court.
3. Writ of certiorari to the United States Supreme Court.
4. Post-conviction relief proceedings in state court.
5. Appeal of post-conviction relief proceedings in the Court of Appeals.
6. Petition for hearing of post-conviction relief proceedings to the Alaska Supreme Court.
7. Petition for Writ of Habeas Corpus in the Federal District Court.
8. Appeal to the United States Court of Appeals.
9. Rehearing in the United States Court of Appeals.
10. Writ of certiorari to the United States Court of Appeals.
11. Commutation applications to executive branch.
12. Emergency stays to the United States Supreme Court.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 31

The figures in this fiscal note are based on an estimation of the number of cases which would have qualified under the bill as capital cases. This agency handles approximately 30 first degree murder cases each year. On the assumption that one third or 10 of these cases would qualify as capital cases under this bill, the specific figures were arrived at as follows:

1. Personal Services

Given the complexity and intensity of effort involved in each death penalty trial and penalty phase, many states recommend or require by statute that a minimum of two attorneys handle each death penalty case. Based on an estimated 10 cases per year, this agency would need two death penalty teams of two attorneys each to handle the trial and penalty phases of these cases. Two appellate attorneys would be necessary to handle the appeals of these cases. In addition, each team of attorneys would require an investigator and legal secretary.

Use of this death penalty team concept will be needed to adequately represent a client who faces the death penalty. Substantially more attorney time is required in a death penalty case than in a non-capital case. Extensive pre-trial motion practice would be required in each case. Given the lack of plea bargaining in Alaska, jury trials will be conducted in all capital murder cases. These jury trials will be longer and more complex than in non-capital cases. The penalty phase of each case will require tremendous expenditures of attorney time in preparing for sentencing and coordinating professional and lay witnesses to testify. Finally, appeals of death penalty cases require extraordinary amounts of attorney time. The New York Defender Association estimates that preparation and argument before the United States Supreme Court alone would be equivalent to 883 hours attorney time.

2. Travel and Contractual Fees.

The New York State Defender Association has estimated that a minimum figure for expert witness fees and travel must be \$30,000 for the penalty phase per case. Experts in forensics, ballistics, blood analysis, hair analysis, eyewitness identification, psychiatry, and psychology could be necessary during the trial phase in each case, and many of these would be traveling from out-of-state. During the penalty phase friends and family members of the defendant as well as psychiatrists, psychologists and social workers would be involved. Thus the contractual and travel costs for expert witnesses has been calculated at \$60,000 per case. This figure does not include any expert fees which might be necessary at the appellate stages. The amount of contractual fees estimated in this fiscal note is based on an estimated 10 cases per year.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 31

3. Equipment and Supplies.

Other costs include expanded office space as well as equipment and supply money for additional personnel.

BUDGET SUMMARY

Personal Services:

Guilt and Penalty Team-Anchorage .			
Attorney V	79.7		
Attorney IV	74.8		
Investigator III	51.1		
Legal Secretary I	31.5		
Appellate Team - Anchorage			
Attorney V	79.7		
Attorney IV	74.8		
Investigator III	51.1		
Legal Secretary I	31.5		
Guilty and Penalty Team-Fairbanks			
Attorney V	90.7		
Attorney IV	85.0		
Investigator III	58.1		
Legal Secretary I	<u>35.1</u>	TOTAL	743.1

Travel:

Based on 10 Capital cases per year	225.0
Employee and non-employee (experts)	

Contractual:

Based on 10 Capital cases per year			
Experts	400.0		
Office space			
Anchorage, Fairbanks	40.0		
Printing	5.0		
Communications	<u>5.0</u>	TOTAL	450.0

Supplies:

Office, law library	27.0
---------------------	------

Equipment:

Office furniture and machines	<u>60.0</u>
-------------------------------	-------------

TOTAL 1505.1

Position Title Attorney V		No. of Positions 1	Range/Step 25A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Type of Expenditure		Justification		
1		2		
Amount		3		
Salary	\$5021/mo	60,252	This Attorney V will serve as a death penalty team leader in the guilt and penalty phases of capital cases in Anchorage and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.	
Benefits		19,437		
Premium Pay				
Other				
Total Personal Services		79,689		
Travel		50,000		
Contractual		110,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		245,189		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	245,189		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

Request For
New Position

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

Page 5 of 16
 Revised Date 2/25/87

FY 88

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX		
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92		
Type of Expenditure		Justification				
		<p>This Attorney IV will serve as a death penalty team member in the guilt and penalty phases of capital cases in Anchorage and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.</p>				
1					2	3
Salary	\$4687/mo				56,244	
Benefits					18,551	
Premium Pay						
Other						
Total Personal Services						74,795
Travel						50,000
Contractual						110,000
Commodities						3,000
Equipment						2,500
Other						
Total Cost						240,295
Funding Source for Total Cost						
Federal Receipts	1002					
G. F. Match	1003					
General Fund	1004	240,295				
I-A Receipts	1006					
CIP Receipts	1061					
Other						

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

FY 88

Page 6 of 16
 Revised Date 2/25/87

Position Title Investigator III		No. of Positions 1	Range/Step 18A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary	\$3113/mo	37,356		
Benefits		13,763		
Premium Pay				
Other				
Total Personal Services		51,119		
Travel		-0-		
Contractual		-0-		
Commodities		-0-		
Equipment		2,500		
Other				
Total Cost		53,619		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	53,619		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
<p>This Investigator III will serve as a death penalty team member in the guilt and penalty phases of capital cases in Anchorage and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities. The travel and contractual are included in the requests for attorneys.</p>				

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

FY 88

Page 7 of 16
 Revised Date 2/25/87

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Type of Expenditure		Amount		
1	2	3		
Salary \$1835/mo	22,020			
Benefits	9,431			
Premium Pay				
Other				
Total Personal Services		31,451		
Travel		-0-		
Contractual		-0-		
Commodities		3,000		
Equipment		12,500		
Other				
Total Cost		46,951		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	46,951		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

Justification

This Legal Secretary I will provide support services to a death penalty team in Anchorage and other parts of the state. Necessary travel is included in the requests for attorneys. The equipment request includes 10.0 for a word processor

Request For
New Position

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

Page 8 of 16
 Revised Date 2/25/87

FY 88

Position Title Attorney, V		No. of Positions 1	Range/Step 25A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage .		Election District 92
		Justification		
Type of Expenditure		Amount		
1		2		3
Salary	\$5021/mo	60,252		
Benefits		19,437		
Premium Pay				
Other				
Total Personal Services		79,689		
Travel		10,000		
Contractual		5,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		100,189		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	100,189		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This Attorney V will serve as a death penalty team leader in the appellate phases of capital cases for all parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III and a Legal Secretary I. It is projected that this appellate team will handle ten capital cases per year. Travel will be to Seattle for the Ninth Circuit Court of Appeals and to Washington, D.C. for the United States Supreme Court. Contractual is to cover printing costs for motions and briefs to the Federal Appellate Courts.

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

FY 88

Page 9 of 16
 Revised Date 2/25/87

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 9?
		Justification		
Type of Expenditure		Amount		
1		2		3
Salary	\$4687/mo	56,244		
Benefits		18,551		
Premium Pay				
Other				
Total Personal Services		74,795		
Travel		10,000		This Attorney IV will serve as a death penalty team member in the appellate phases of capital cases for all parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III and a Legal Secretary I. It is projected that this appellate team will handle ten capital cases per year. Travel will be to Seattle for the Ninth Circuit Court of Appeals and to Washington, D.C. for the United States Supreme Court. Contractual is to cover printing costs for motions and briefs to the Federal Appellate Courts.
Contractual		5,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		100,189		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	100,189		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

FY 88

Page 10 of 16
 Revised Date 2/25/87

Position Title Investigator III		No. of Positions 1	Range/Step 18A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage.		Election District 92
Justification				
This Investigator III will serve as a death penalty team member in the appellate phases of capital cases for all parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III and a Legal Secretary I. It is projected that this appellate team will handle ten capital cases per year.				
Type of Expenditure		Amount		
1	2	3		
Salary \$3113/mo	37,556			
Benefits	13,763			
Premium Pay				
Other				
Total Personal Services		51,119		
Travel		5,000		
Contractual		-0-		
Commodities		-0-		
Equipment		2,500		
Other				
Total Cost		58,619		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	58,619		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

Request For
New Position

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial

Page 11 of 16
 Revised Date 2/25/87

FY 88

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 92
Type of Expenditure		Amount		
1	2	3		
Salary \$1835/mo	22,020			
Benefits	9,431			
Premium Pay				
Other				
Total Personal Services	31,451			
Travel		-0-		
Contractual		-0-		
Commodities		3,000		
Equipment		12,500		
Other				
Total Cost		46,951		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	46,951		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Justification				
This Legal Secretary I will provide support services to the appellate death penalty team in all parts of the state. Necessary travel is included in the requests for attorneys. The equipment request includes 10.0 for a word processor.				

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Third Judicial District

Page 12 of 16
 Revised Date 2/25/87

FY 88

Position Title Attorney V		No. of Positions 1	Range/Step 25A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Fairbanks		Election District 94
Type of Expenditure		Justification		
		This Attorney V will serve as a death penalty team leader in the guilt and penalty phases of capital cases in Fairbanks and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.		
Amount				
1	2	3		
Salary \$5773/mo	69,726			
Benefits	21,432			
Premium Pay				
Other				
Total Personal Services		90,708		
Travel		50,000		
Contractual		110,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		256,208		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	256,208		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Fourth Judicial District

Page 13 of 16
 Revised Date 2/25/87

FY 88

Position Title Attorney IV		No. of Positions 1	Range/Step 24A	Barg. Unit PX
Time Status PFT	Staff Months 12.0	Location Fairbanks		Election District 94
		Justification		
Type of Expenditure		Amount		
1		2		3
Salary	\$5385/mo	64,620		
Benefits		20,403		
Premium Pay				
Other				
Total Personal Services		85,023		
Travel		50,000		
Contractual		110,000		
Commodities		3,000		
Equipment		2,500		
Other				
Total Cost		250,523		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	250,523		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This Attorney IV will serve as a death penalty team member in the guilt and penalty phases of capital cases in Fairbanks and other parts of the state. Such a team will consist of an Attorney V, an Attorney IV, an Investigator III, and a Legal Secretary I. Five capital cases per year are projected for each team and each case will require 20.0 for travel and 40.0 contractual for experts, etc. for a total 300.0 per team. Pro rating these amounts for each team attorney allows 50.0 for travel and 100.0 contractual plus office space and other necessities.

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Fourth Judicial District

Page 14 of 16
 Revised Date 2/25/87

FY 88

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10A	Barg. Unit GG
Time Status PFT	Staff Months 12.0	Location Fairbanks,		Election District 94
Type of Expenditure		Amount		
1		2		3
Salary	\$2072/mo	24,864		
Benefits		10,235		
Premium Pay				
Other				
Total Personal Services				35,099
Travel				-0-
Contractual				-0-
Commodities				3,000
Equipment				12,500
Other				
Total Cost				50,599
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			50,599
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Justification				
This Legal Secretary I will provide support services to a death penalty team in Fairbanks and other parts of the state. Necessary travel is included in the requests for attorneys. The equipment request includes 10.0 for a word processor				

**Request For
New Position**

Agency Department of Administration
 BRU Public Defender Agency
 Component Fourth Judicial District

FY 88

Page 16 of 16
 Revised Date 2/25/87

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: _____

Publish Date: _____

Revision Date: SB #31

Title: An act authorizing capital punishment

Agency Affected: Division of Elections

BRU: Office of Elections

Sponsor: Fischer

Components: II

Requestor: Fisher

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL			2.2			
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING			2.2			
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND			2.2			
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

* Costs included cover 2 to 3 additional pages in each Official Election Pamphlet, for printing and typesetting, and costs estimated to cover computer programming requirements for vote

(cont.)

Prepared by: Linda Edgeworth Phone: 465-4611

Division: Elections Date: 2-24-87

Approved by Commissioner: Carol P. Kestler Date: 2-27-87

Agency: Office of the Governor/ Division of Elections

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB # 31

counting purposes. However, these costs are based on the assumption that all candidates and issues will fit on three ballot cards, which is the norm. It should be noted, however that should the inclusion of this issue require a 4th ballot to be printed, the cost increase would have to be calculated at 16 cents per ballot x approximately 320,000 voters. The total cost of printing the additional ballot card would be \$51.2.

Under these circumstances the fiscal note would be:

53.4

COMMITTEE BILL FILE WORK-UP ON:

Bill #: SB31 Capital Punishment
Sponsor: Dinsdale
Room #: 508C Phone #: 8791

- 1/19 1 Receive Original Bill and Log In.
- 1/19 2 Duplicate Work Copies for Committee File and Senator's File.
- 1/19 3 File Original Bill in Special Locking File.
- 1/29 4 Set-Up Weekly Schedule of Hearings (2 Weeks in Advance if possible).
- 1/29 5 Notify Senate Secretary (5 Day Rule Applies - Allows Time to Get it Printed in Journal). A Copy of the Committee Agenda is Sufficient.
- 1/29 6 Move Work File to "Active" File Drawer.
- _____ 7 Notify the Following Persons of the Hearing Date:

Committee Members	<u>Bishop Kennedy</u>	Department Liaisons	<u>Jack</u>
	_____		<u>Bob Fischer (7N) 264-0545</u>
Bill Sponsor	_____	Governor If Necessary	_____

- 1/29 8 Request Back-Up Information from Bill Sponsor As Soon As Possible.
- 1/29 9 Request Witness Roster of Persons the Sponsor Has Notified or Desires to Have Notified.
- Jack did 10 If First Committee of Referral, Request Fiscal Note from Pertinent Department Liaison(s) for each bill change (ie. SS, CS etc) - (5 Day Rule Applies).
- Jack 11 If Necessary, Prepare or Request Sectional Analysis from Legal (3867) when pertinent for each change (ie. SS, CS etc). This is Pretty Much a Judgement Call.
- Jack 12 Research and Prepare Back-Up Material as Necessary.
- _____ 13 Prepare Committee Files (8 Copies: 1 ea for: Committee Members, Committee Aide, Senate Pool Secretary).
- _____ 14 Prepare 10-15 Copies of All Documents to Hand Out to Public During the Hearing (ie. Bill, Short Synopsis, Others at Sponsor's Request). 1/31
- 1/29 / 1/30 15 Distribute Committee Agenda (Schedule).
- _____ 16 If Requested, Provide Files As Soon As Possible On the Day of the Hearing. Otherwise, Provide the Files at the Beginning of the Hearing in the Committee Room.

WITNESS ROSTER WORK SHEET

Bill # Title Date of Hearing

1. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
2. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
3. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
4. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
5. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
6. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
7. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
8. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
9. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
10. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
11. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____
12. Name: _____
Address: _____ Phone #: _____
Representing: _____ Title: _____

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

January 30, 1987

SUBJECT: Sectional Analysis of SB 31, authorizing
capital punishment.

TO: Senator Paul Fischer

FROM: Keith B. Levy *KBL*
Legislative Counsel

You have requested a sectional analysis of the above described bill. As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 amends AS 11.41.100(b) to designate murder in the first degree as a capital felony punishable under AS 12.55.125 rather than an unclassified felony.

Section 2 amends AS 12.30.040(b) to include a capital felony conviction among those under which a defendant may not be released on bail before sentencing or during the appeal process.

Section 3 amends AS 12.55 by adding a new section, 12.55.117. Subsection (a) provides that a sentence of death for a capital crime must be given a priority review by the Alaska supreme court within 60 days of sentencing unless extended by the supreme court. On review the court must determine whether the sentence was imposed under the influence of passion, prejudice, or arbitrary factors, whether the evidence supports the finding of the required aggravating factor, and whether the sentence was excessive in comparison to similar cases and defendants.

Subsection (b) requires that after affirming a death sentence, the Supreme Court issue a death warrant. The warrant shall go to the Commissioner of Corrections who shall

specify the time, place and manner of execution. Before determining the manner, the commissioner shall provide the defendant an opportunity to choose to be executed by lethal injection or by firing squad.

Subsection (c) provides that execution by firing squad is to take place at a state prison designated by the Commissioner of Corrections. The firing squad will consist of six peace officers, compensated in an amount determined by the commissioner.

Subsection (d) provides for the selection of a drug to be used in executions by lethal injection.

Subsection (e) requires the Commissioner of Corrections and a licensed physician to be present at an execution and permits the commissioner to choose up to nine citizens to also be present, although no individual may attend an execution as a matter of right.

Subsection (f) requires the commissioner to return the death warrant showing the time, place, and manner of the execution.

Subsection (g) requires the commissioner to permit up to six members of the media to attend the execution.

Subsection (h) prohibits the use of a photographic or recording equipment at the execution until it is completed. Violation of this provision is a class B misdemeanor.

Subsection (i) provides that persons attending an execution are subject to a reasonable search as a condition of attendance.

Subsection (j) specifically prohibits individuals under 19 years of age and other unauthorized people from attending an execution.

Subsection (k) requires the Department of Corrections to adopt regulations regarding attendance at executions.

Section 4 amends AS 12.55.125(a) to provide that a person convicted of a capital felony shall be sentenced to the same sentence previously reserved for murder in the first degree or to death.

Section 5 amends AS 12.55 by adding several new sections.

Section 12.55.177 (a) provides that after a defendant is convicted of a capital offense, the court shall conduct a separate sentencing proceeding before the trial jury as soon as practicable. A jury shall be selected after conviction if the defendant was not tried by a jury.

Subsection (b) permits the presentation at sentencing of evidence of any aggravating or mitigating factor that the court allows as probative regardless of its admissibility at trial so long as the defendant has an opportunity to rebut hearsay statements and assert any evidentiary privileges available under the Alaska Rules of Evidence. The subsection does not authorize the introduction of evidence secured by unconstitutional means. It requires that both the prosecution and defense be permitted oral argument at sentencing.

Section 12.55.178 provides that the jury shall deliberate after the sentencing hearing and give an advisory verdict to the judge that includes findings whether an aggravating factor justifies death, whether mitigating factors outweigh aggravating factors, and whether the defendant should be sentenced to prison or death.

Section 12.55.179(a) provides that after considering the evidence and advisory verdict of the jury, the court shall pass a sentence of imprisonment or death. Upon a sentence of death the court shall make written findings of aggravating factors that justify the sentence and mitigating factors considered.

Subsection (b) provides for automatic review by the Alaska Supreme Court upon a judgment of death.

Section 12.55.180 provides that a death sentence may not be imposed unless one of a list of aggravating factors is found to exist and that factor is not outweighed by mitigating factors. The aggravating factors are

(1) deliberate cruelty involving torture or an aggravated battery;

(2) a risk of imminent physical injury to three or more people, other than an accomplice;

(3) a prior conviction for a felony involving violence;

(4) the offense was committed pursuant to an agreement that the defendant pay or be paid for the commission of the offense;

(5) the defendant was on release for another felony charge or conviction having assault as an element;

(6) the offense was knowingly directed at an active or former officer of the court, prosecuting attorney, law enforcement officer, correctional employee, or fireman during or because of the exercise of that person's official duties; and

(7) the defendant was a member of an organized group of at least five persons and the offense was committed to further the criminal objectives of the group.

Section 12.55.181 establishes mitigating factors to be considered by the court that will prohibit a sentence of death if found to outweigh aggravating factors:

(1) the offense was committed under a significant degree of duress, coercion, threat; or compulsion insufficient to constitute a defense;

(2) the conduct of a youthful defendant was substantially influenced by a person more mature than the defendant;

(3) the defendant acted with serious provocation from the victim; and

(4) the defendant assisted authorities to detect or apprehend other persons who committed the offense with the defendant.

Section 12.55.182(a) provides that the Commissioner of Public Safety shall inform the court, the prosecutor, and the defense attorney in writing if a defendant awaiting execution is believed to be pregnant or incompetent. The execution shall then be stayed pending further order of the court.

Subsection (b) provides that upon notice of possible incompetency of a defendant sentenced to death the defendant

shall be evaluated for competency under AS 12.47.070 as if being evaluated for competency to stand trial. Upon a finding of incompetency, the sentencing court shall so inform the Supreme Court and the Commissioner of Public Safety and order the defendant committed under AS 12.47.110. Upon a finding of competency, the court shall so inform the Supreme Court and the Commissioner of Public Safety. The Supreme Court shall deliver another death warrant to the Commissioner of Public Safety specifying a date of execution between 30 and 60 days ahead.

Subsection (c) provides that upon a finding that a defendant awaiting execution is pregnant, the sentencing court shall so inform the Supreme Court and the commissioner. The Supreme Court shall then issue a stay during the pregnancy. After the pregnancy ends the sentencing court shall so inform the Supreme Court and the commissioner. The Supreme Court shall then deliver another death warrant to the commissioner specifying a date of execution between 30 and 60 days ahead.

Section 6 amends AS 22.07.020(a) to except from the jurisdiction of the state court of appeals a prosecution for a capital offense for which a death sentence is imposed.

Section 7 provides that the lieutenant governor shall place before the voters for advisory vote during the next general election following enactment the question of whether capital punishment for murder in the first degree as authorized by law should go into effect on August 15, 1989.

Section 8 provides for an effective date of August 15, 1989 for sections 1-6 of the Act.

Section 9 provides for an immediate effective date for section 7 of the Act.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 2, 1987

SUBJECT: Comparison of SB 7 and SB 31, relating
to capital punishment

TO: Senator Paul Fischer
Chairman, Senate Health, Education, and
Social Services Committee

FROM: Keith B. Levy *KBL*
Legislative Counsel

You have requested a sectional analysis of SB 7 and a comparison of that bill to SB 31, both of which relate to capital punishment. Both bills are substantially similar; the differences between the two are detailed below. The sectional analysis of SB 31, prepared for you January 30, 1987, may be used as a reference to compare that bill with SB 7. Please note that a sectional analysis should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Sections 1, 2, and 4 of SB 7 are identical to sections 1, 2, and 4 of SB 31. These sections make technical amendments to existing provisions of law to refer to the new capital punishment provisions added by other sections of the bill.

Section 3 of SB 7 adds a new provision, AS 12.55.117. Subsection (a) of that section is identical to subsection (a) of AS 12.55.117 in section 3 of SB 31.

Subsection (b) is similar to subsection (b) of SB 31 except that SB 7 requires the date of execution to be set between 30 and 60 days after the death warrant is issued.

Subsection (c) of SB 7 is substantively the same as subsection (f) of SB 31.

Subsection (d) of SB 7 gives the Department of Corrections the authority to adopt regulations governing the procedures

for executions. In contrast, SB 31 sets those details out in other subsections of AS 12.55.117.

Section 5 of SB 7 adds AS 12.55.177, setting out the sentencing procedures for capital felonies. Subsections (a) and (b) are substantively identical to subsections (a) and (b) of AS 12.55.177 as added by section 5 of SB 31.

Subsection (c) of SB 7 is substantively similar to AS 12.55.178 in section 5 of SB 31, except that under SB 7 the jury renders a "recommended sentence" and under SB 31 the jury renders an "advisory sentence."

AS 12.55.179 in SB 7 provides that the court must follow the jury's recommendation. If the jury makes certain findings and recommends the death penalty, the court must impose that penalty. If the jury recommends a sentence of imprisonment, the court may not impose the death penalty. In contrast, SB 31 does not require the court to follow the jury's advisory sentence. -If the court makes certain findings regarding aggravating and mitigating factors in SB 31 (see AS 12.55.180 and 12.55.181), it may impose a death sentence independent of the jury's findings.

AS 12.55.180 in SB 7 sets out the aggravating factors the sentencing court may consider. They differ from the factors set out in AS 12.55.180 of SB 31. The SB 7 aggravating factors include:

- (1) the defendant's conduct manifested deliberate cruelty in that it involved sexual assault in the first degree, kidnapping, or assault in the first degree;
- (2) the defendant's conduct caused the death of two or more persons, other than accomplices;
- (3) the defendant had a prior conviction for murder;
- (4) the defendant's conduct was directed at the President of the United States or the Governor of Alaska;
- (5) the defendant's conduct was directed at a law enforcement, judicial, or correctional officer;
- (6) the defendant killed a child nine years of age or younger;
- (7) the offense was committed under an agreement that the defendant pay or be paid for the commission of the offense;

(8) the defendant committed the offense while avoiding lawful arrest or escaping from lawful confinement;

(9) the defendant committed the offense after escaping from lawful custody of a peace officer or place of lawful confinement.

AS 12.55.181 in SB 7 sets out the mitigating factors the court must consider; these are identical to the mitigating factors set out in AS 12.55.181 of SB 31.

AS 12.55.182 of SB 7 deals with incompetency and pregnancy of persons sentenced to death and is substantively the same as AS 12.55.182 of SB 31.

Section 6 of SB 7 is substantively the same as section 6 of SB 31.

Section 7 of SB 7 is a technical amendment dealing with the lack of jurisdiction of the Court of Appeals in death sentence appeals. This section is not found in SB 31, but probably should be added for clarity.

Section 8 of SB 7 requires the Commissioner of Corrections to establish a procedure for execution of the death penalty. This provision is not contained in SB 31.

Section 7 of SB 31 puts the question of the desirability of the death penalty on the ballot as an advisory question in 1988. This provision is not contained in SB 7.

Section 8 of SB 31 makes the bill effective August 15, 1989, giving the legislature the opportunity to respond to the advisory vote before the bill takes effect. In contrast, SB 7 has no effective date provision, and therefore would take effect 90 days after the governor signs it.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: Senate Bill 31
Publish Date: _____

Revision Date: _____
Title: "An act authorizing capital punishment, classifying murder...."
Sponsor: Senator Paul Fischer
Requestor: Senator Paul Fischer

Agency Affected: Dept. of Corrections
BRU: Southcentral Region
Components: Spring Creek C.C.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES			473.1	993.5	1043.2	1095.3
TRAVEL			4.0	8.4	8.8	9.3
CONTRACTUAL			17.5	36.8	38.6	40.5
SUPPLIES			4.0	8.4	8.8	9.3
EQUIPMENT			3.1			
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	501.7	1047.1	1099.4	1154.4
CAPITAL	-0-	2683.5	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	2683.5	501.7	1047.1	1099.4	1154.4
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	2683.5	501.7	1047.1	1099.4	1154.4

POSITIONS:

FULL-TIME	-0-	-0-	20	20	20	20
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

SEE ATTACHED

Prepared by: Susie Riley, Program Budget Analyst Phone: 465-3376
Division: Administrative Services Date: Jan. 27, 1987

Approved by ^{Acting} Commissioner: William W. Lindsey Date: 2/3/87
Agency: Department of Corrections

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 31

ANALYSIS

A. Assumptions:

Enactment of Senate Bill 31 would change the State law to permit capital punishment for a capital felony. Current estimates indicate three convictions per year for this offense would involve executing the death penalty. Because of the lengthy appeal process in cases where the death penalty has been imposed, it is anticipated that a significant number of persons would have to be confined in a separate confinement area. The national average length of time between sentencing and execution of the death penalty is 5 or 6 years. The fact that the sentence is subject to review within 60 days by the State Supreme Court is not expected to appreciably affect the average length of time spent on death row since most cases proceed immediately to the federal courts. Therefore, we are predicting the need for a maximum of 20 death row beds.

1. Capital expenditures required to provide specialized space not currently available in existing State correctional centers. Details follow in B-1.
2. The new space will be adjacent to an existing facility, but isolated. Existing authorized staff could not provide for the necessary security of inmates housed in the area designated for prisoners sentenced to execution.
3. Two fixed guard posts will be required plus one post for roving patrol, and one post for shift supervisor due to the high security and high risk nature of the unit. To man one post 24 hours per day, 7 days per week requires 5 personnel.
4. Inflation is estimated at 5% per year.
5. The unit will be available for occupancy January 1989.

B. Estimated Costs

1. Capital Expenditures

- a. Functions and square footage allocations are derived from accepted space standards and are adjusted to an existing design for a 20-cell complex.
- b. Assumes this structure will be an addition to an existing institution with all activity for prisoners sentenced for execution to be limited to this maximum security unit.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 31

- c. Assumes only the usual 6% equipment factor and does not include costs for whatever type of equipment would be appropriate for the specified method of execution.
- d. It is estimated that the cost will be \$300 per square foot, considering the fact that this unit must be more secure than other facilities under construction and the relatively small size of the building. No indoor recreation room has been projected.

<u>e. Area Identification</u>	<u>Square Footage</u>
Core Area (44' x 44')	1936
-Control Room, Sallyport	
-Visitation (Attorney, Secure)	
-General Movement	
-Storage	
-Mechanical Room	
Housing Wings	
(2 @ 37' x 47' + 200 sq. ft.)	3678
-20 Cells @ 80 sq. ft. gross each	
-Three Shower Areas	
-Two Movement/Indoor Recreation Area	
Execution Area	1000
Total (Gross)	6614/sq. ft.
	x \$300/sq. ft.
Cost of Structure	\$1,984,200
Secure Outdoor Recreation	
(2 @ 16' x 20')	
-640 sq. foot @ \$125/sq. foot	80,000
Total Building Cost	\$2,064,200
-30% Administration/Overhead	619,260
TOTAL PROJECTED COST	\$2,683,460

- 2. Salaries and related costs are detailed on "Request for New Positions" attached. It is estimated that Operating Costs would not begin until January of 1989 due to time needed for construction, so funds are included for only six months of FY89.

Position Title Correctional Officer II		No. of Positions 15	Range/Step 13B	Barg. Unit GGU
Time Status PFT	Staff Months 90	Location Seward		Election District
Type of Expenditure		Justification		
1	2	3		
Salary	249,885	This facility, even though attached to an existing institution, would require two additional fixed guard posts and one post for roving patrol, due to the high security and high risk nature of the unit.		
Benefits	96,285			
Premium Pay				
Other				
Total Personal Services		To man one post 24 hours per day, 7 days per week requires at least 5 Correctional Officer II's.		
		Three additional posts will require a minimum of 15 CO II's.		
Travel		The cost for one-half FY89 is as follows:		
Contractual				
Commodities				
Equipment				
Other				
Total Cost				
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			
I-A Receipts	1006			
CIP Receipts	1061			
Other				

This facility, even though attached to an existing institution, would require two additional fixed guard posts and one post for roving patrol, due to the high security and high risk nature of the unit.

To man one post 24 hours per day, 7 days per week requires at least 5 Correctional Officer II's. Three additional posts will require a minimum of 15 CO II's.

The cost for one-half FY89 is as follows:

\$16,659	Salaries
6,419	Benefits
<u>\$23,078</u>	
200	Travel (training)
200	Standard Supplies (\$400 per year)
150	Equipment
<u>\$23,628</u>	

**Request For
New Position**

Agency Department of Corrections
 BRU Southcentral Region
 Component Spring Creek Correctional Center

Page 4 of 5
 Revised Date

FY 88

Position Title Correctional Officer III		No. of Positions 5	Range/Step 15A	Barg. Unit GGU																																																														
Time Status PFT	Staff Months 90	Location Seward		Election District																																																														
<table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th>1</th> <th>2</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td></td> <td>92,230</td> <td></td> </tr> <tr> <td>Benefits</td> <td></td> <td>34,680</td> <td></td> </tr> <tr> <td>Premium Pay</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Personal Services</td> <td></td> <td></td> <td>126,910</td> </tr> <tr> <td>Travel</td> <td></td> <td></td> <td>1,000</td> </tr> <tr> <td>Contractual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Commodities</td> <td></td> <td></td> <td>1,000</td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> <td>750</td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Cost</td> <td></td> <td></td> <td>129,660</td> </tr> </tbody> </table>		Type of Expenditure	1	2	3	Salary		92,230		Benefits		34,680		Premium Pay				Other				Total Personal Services			126,910	Travel			1,000	Contractual				Commodities			1,000	Equipment			750	Other				Total Cost			129,660	Justification Five supervisory Correctional Officer III's will be required to fill the compliment for the three added posts in addition to the fifteen CO II's. The cost for one-half of FY89 is as follows: <table> <tr> <td>\$18,446</td> <td>Salaries</td> </tr> <tr> <td>6,936</td> <td>Benefits</td> </tr> <tr> <td><u>\$25,382</u></td> <td></td> </tr> <tr> <td>200</td> <td>Travel (training)</td> </tr> <tr> <td>200</td> <td>Standard Supplies (\$400 per year)</td> </tr> <tr> <td>150</td> <td>Equipment</td> </tr> <tr> <td><u>\$25,932</u></td> <td></td> </tr> </table>			\$18,446	Salaries	6,936	Benefits	<u>\$25,382</u>		200	Travel (training)	200	Standard Supplies (\$400 per year)	150	Equipment	<u>\$25,932</u>	
Type of Expenditure	1	2	3																																																															
Salary		92,230																																																																
Benefits		34,680																																																																
Premium Pay																																																																		
Other																																																																		
Total Personal Services			126,910																																																															
Travel			1,000																																																															
Contractual																																																																		
Commodities			1,000																																																															
Equipment			750																																																															
Other																																																																		
Total Cost			129,660																																																															
\$18,446	Salaries																																																																	
6,936	Benefits																																																																	
<u>\$25,382</u>																																																																		
200	Travel (training)																																																																	
200	Standard Supplies (\$400 per year)																																																																	
150	Equipment																																																																	
<u>\$25,932</u>																																																																		
<table border="1"> <thead> <tr> <th colspan="2">Funding Source for Total Cost</th> </tr> </thead> <tbody> <tr> <td>Federal Receipts</td> <td>1002</td> </tr> <tr> <td>G. P. Match</td> <td>1003</td> </tr> <tr> <td>General Fund</td> <td>1004</td> </tr> <tr> <td>I-A Receipts</td> <td>1006</td> </tr> <tr> <td>CIP Receipts</td> <td>1061</td> </tr> <tr> <td>Other</td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>		Funding Source for Total Cost		Federal Receipts	1002	G. P. Match	1003	General Fund	1004	I-A Receipts	1006	CIP Receipts	1061	Other																																																				
Funding Source for Total Cost																																																																		
Federal Receipts	1002																																																																	
G. P. Match	1003																																																																	
General Fund	1004																																																																	
I-A Receipts	1006																																																																	
CIP Receipts	1061																																																																	
Other																																																																		

**Request For
New Position**

Agency Department of Corrections
 BRU Southcentral Region
 Component Spring Creek Correctional Center

Page 5 of 5
 Revised Date

FY 88

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB 7

Publish Date: _____

Revision Date: _____

Title: "An Act authorizing capital punishment..."

Agency Affected: Public Safety

BRU: DPS Administration
Alaska State Troopers

Sponsor: Sen. Abood and Kelly

Requestor: Sen. HESS

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

JNR
2/3/87

Prepared by: Kathy Niles, Admin. Assistant

Phone: 465-4336

Division: Commissioner's Office

Date: 2/03/87

Approved by Commissioner: [Signature]

Date: 2/3/87

Agency: Public Safety

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary