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F I S C A L I M P A C T R E P O R T

SPONSOR: Regensberg DATE TYPED: 01/22/02 HB 90
 SHORT TITLE: Inflicting Death Penalty SB _____
 ANALYST: Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
		See Narrative		Recurring	General Fund

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)
 Attorney General’s Office (AG)
 Corrections Department (CD)

SUMMARY

Synopsis of Bill

HB 90 amends the current law that requires the death penalty shall be administered by lethal injection. HB 90 allows the defendant to choose from among the following methods of execution: hanging, firing squad, lethal gas, electrocution or lethal injection.

The inmate must choose within sixty days of arriving at the penitentiary in Santa Fe or the method of execution will automatically be lethal injection.

FISCAL IMPLICATIONS

The AOC notes there will be a minimal cost for statewide update, distribution, and documentation of statutory changes. The fiscal implications on the judiciary will directly follow the amount of litigation that is generated by the Act. This might create one more step in the appeals process.

The CD states that HB 90 will result in higher costs in the future because they will be required to perform executions in different manners. For example, there could be minor to substantial costs involved in preparing a lethal gas chamber or “electric chair”.

CD also notes that there will be additional costs to the Corrections Department and the prosecuting officials, defense attorneys and courts as a result of the increased legal challenges to such methods of execution as a violation of the “cruel and unusual punishment” clause of the United States Constitution.

ADMINISTRATIVE IMPLICATIONS

The CD claims that HB 90 will increase the administrative burden since CD in later years will be required to perform executions in different manners.

DW/ar