

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 1204

SHORT TITLE: Death by Administration of Lethal Drugs

SPONSOR(S): Senator Odom

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02 FY 2002-03

REVENUES

EXPENDITURES

No Fiscal Impact

**PRINCIPAL DEPARTMENT(S) &
PROGRAM(S) AFFECTED:** Department of Correction

EFFECTIVE DATE: Effective when it becomes law and applied to offenses committed on or after that date. Does not alter method of execution for defendants convicted of offenses before the effective date.

BILL SUMMARY: *TO ABOLISH EXECUTION BY LETHAL GAS AND TO PROVIDE THAT A PERSON CONVICTED OF A CRIMINAL OFFENSE WHO IS SENTENCED TO DEATH SHALL BE EXECUTED BY THE ADMINISTRATION OF LETHAL DRUGS.* Amends G.S. 15-187 to require that persons convicted and sentenced to death be executed solely by administration of lethal drugs. Effective when bill becomes law and applies to offenses committed on or after that date.

ASSUMPTIONS AND METHODOLOGY: Department of Correction

North Carolina is now one of only nine states using lethal gas as the primary method of execution. Executions by lethal gas are time-intensive and potentially hazardous to the health and safety of prison staff. These employees are especially at risk in testing the chamber several times before the execution and decontaminating the chamber, as well as removing the body. Lethal drugs take less time and effort to administer and pose less risk to prison staff.

The DOC does not believe there will be any fiscal impact in requiring a single method of execution. Abolishing execution by lethal gas may produce negligible cost savings, as it is slightly cheaper to administer death by lethal drugs than by lethal gas. In 1995 a fiscal note was completed for SB 34 which, similarly to SB 1204, abolished execution by lethal gas and mandated use of lethal drugs. The fiscal analysis for SB 34 showed a cost per execution for injection of lethal drugs to be \$346.51 and lethal gas \$371.03. If there were ten executions carried out annually, the costs for lethal drugs would be \$3,465, compared with the \$3,710 costs for lethal gas. According to DOC, these costs have not changed. The cost for lethal gas actually assumes three applications (twice in practice and once for the actual execution), while the cost for lethal drugs is for one injection. There would thus be less preparation time in using lethal drugs instead of lethal gas, but any cost savings would be negligible.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: Jim Mills, Matt Bronson

APPROVED BY: Tom Covington

DATE: June 2,1998



Signed Copy Located in the NCGA Principal Clerk's Offices