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SFA

BILL ANALYSIS

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Senate Joint Resolution O (as introduced 11-13-97)

Sponsor: Senator Joel D. Gougeon

Committee: Judiciary

Date Completed: 5-18-98

CONTENT

The joint resolution proposes an amendment to the State Constitution of 1963 to provide for the death penalty under certain circumstances.

Section 46 of Article IV of the State Constitution specifies that no law may be enacted providing for the penalty of death. The joint resolution would create an exception to that prohibition for an instance of both criminal sexual conduct (CSC) involving sexual penetration and murder, in which the victim of the CSC and murder was less than 16 years of age. The Legislature would have to provide for the implementation of Section 46.

The proposed constitutional amendment would have to be submitted to the people of the State of Michigan at the next general election in the manner provided by law.

Legislative Analyst: P. Affholter

FISCAL IMPACT

There currently are 52 prisoners who committed, on the same calendar date, both murder and criminal sexual conduct. The data do not indicate if there was only one victim, or the age of the victim. Assuming that 10% of these crimes involved the same victim under 16 years of age, given that an average life sentence is 50 years of incarceration and that the average annual cost of incarceration is \$18,000, the cost to incarcerate these prisoners would be \$4,500,000. There are no data to indicate how many years an offender would be incarcerated prior to execution, if the resolution were in effect. Assuming that these offenders instead would serve 10 years in State prison prior to execution, the cost of incarceration would be \$900,000.

However, this analysis may overstate the cost savings for the State. Inmates given a death sentence are reportedly housed separately from other prisoners and are on 24-hour surveillance. In FY 1996-97, the Department of Corrections estimated the average annual cost per offender for maximum security at \$35,372. A revised estimate of the cost of housing 10% of the offenders for 10 years at the average cost for a maximum security prison would increase incarceration costs by \$868,600. Additional costs would be incurred for the original capital trial, appeals, transportation and security at court, and execution costs. An article from Illinois State University indicates that these costs for offenders subject to this law would add between \$12.0 million and \$44.0 million for these additional costs.

Fiscal Analyst: K. Firestone

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