

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** SB 34

**SHORT TITLE:** Death by Administration of Lethal Drugs

**SPONSOR(S):** Senator Odom

**FISCAL IMPACT:** Negligible Cost Savings(\*)

\* There would be cost savings related to cost of supplies. However, the Fiscal Research Division cannot estimate how many executions would take place over the course of the next five fiscal years. Therefore, no precise estimate is available.

**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 and 15-188 as title indicates.

**EFFECTIVE DATE:** Upon ratification

**PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED:** Judicial Branch; Department of Correction

**FISCAL IMPACT**

No Fiscal Impact; may be small amount of cost savings.

**ASSUMPTIONS AND METHODOLOGY:** Judicial Branch

The proposed legislation would amend G.S. 15-187 and G.S. 15-188, making the administration of a "lethal quantity of an ultrashort-acting barbiturate in combination with a chemical paralytic agent" the only method for executing a person sentenced to death. Under present law, offenders are executed by lethal gas, but at least five days prior to to execution, offender may in writing elect to be executed by lethal injection.

**ASSUMPTIONS AND METHODOLOGY:** Department of Correction

The Department of Correction provided the Fiscal Research Division with execution supply costs (see below).

Execution Type	Cost Per Treatment
Lethal Injection	\$346.51
Lethal Gas	\$371.03

Lethal injection is \$24.52 cheaper per treatment than lethal gas. The Department of Correction indicated that the utilization of only one method of execution would reduce the preparation time required prior to executions. However, the Department of Correction could not foresee any reduction in personnel costs resulting from the proposed legislation as the employees involved in the preparation of execution procedures only spend a very small segment of their total work schedule fulfilling such responsibilities.

**SOURCES OF DATA:** Administrative Office of the Courts; Department of Correction

**TECHNICAL CONSIDERATIONS:** There may be some litigation to determine whether the proposed legislation (effective upon ratification) would apply to persons presently under a sentence of death (such persons may argue that they would have a choice of execution methods pursuant to the law in effect when they were sentenced).

**FISCAL RESEARCH DIVISION (733-4910)**

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**DATE:** April 25, 1995

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