

**DEPARTMENT OF FINANCE BILL ANALYSIS**

**AMENDMENT DATE:** March 23, 2010  
**POSITION:** Oppose

**BILL NUMBER:** SB 1018  
**AUTHOR:** T. Harman

**BILL SUMMARY: Death Penalty: Lethal Injection Protocol**

This bill would require the California Department of Corrections and Rehabilitation (CDCR) to use an ultra-short-acting barbiturate or other similar drug for lethal injections, as specified. This bill also requires the CDCR to develop and implement a lethal injection protocol for lethal injections, as specified.

**FISCAL SUMMARY**

The CDCR estimates that the cost to develop and implement a new lethal injection protocol would be over \$150,000 General Fund.

**COMMENTS**

The Department of Finance is opposed to this bill because it would result in additional General Fund costs.

Current law provides that a person sentenced to death shall have the opportunity to choose between having the punishment imposed by lethal gas or by an intravenous lethal injection of a non-specified substance or substances by standards established under the direction of the CDCR. In *Morales v. Tilton (2006)* the judge placed a stay on executions until a number of issues related to CDCR's implementation of death sentences were resolved. The CDCR has nearly completed updating its protocols related to lethal injections to address the concerns raised in *Morales v. Tilton*. The CDCR's updated protocol prescribes the use of three drugs for lethal injections which includes the use of lethal drugs and a sedative.

This bill would specify that on or after January 1, 2013, the substance to be used for lethal injections shall be an ultra-short acting barbiturate or other similar drug, not to be used in combination with a chemical paralytic. In addition, this bill would require the CDCR to develop and implement a lethal injection protocol for this drug on or after January 1, 2013.

Code/Department Agency or Revenue Type	(Fiscal Impact by Fiscal Year)										
	(Dollars in Thousands)										
	SO	LA	CO	PROP	FC	2009-2010	FC	2010-2011	FC	2011-2012	Fund Code
5225/Corr & Rehab	SO	No				--	C	\$50	C	\$50	0001

Analyst/Principal (0233) \_\_\_\_\_ Date \_\_\_\_\_ Assistant Program Budget Manager \_\_\_\_\_ Date \_\_\_\_\_

Department Deputy Director \_\_\_\_\_ Date \_\_\_\_\_

Governor's Office: \_\_\_\_\_ By: \_\_\_\_\_ Date: \_\_\_\_\_ Position Approved \_\_\_\_\_  
 Position Disapproved \_\_\_\_\_

**BILL ANALYSIS** Form DF-43 (Rev 03/95 Buff)