

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3065-01
Bill No.: SB 784
Subject: Prisons and Jails; Crimes and Punishment; Department of Corrections
Type: Original
Date: March 12, 2008

Bill Summary: The proposal eliminates mandatory minimum sentences for those convicted of a felony, except dangerous felons.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	\$0 to (More than \$100,000)	\$0 to (More than \$100,000)	\$0 to (More than \$100,000)
Total Estimated Net Effect on General Revenue Fund	\$0 to (More than \$100,000)	\$0 to (More than \$100,000)	\$0 to (More than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Local Government	\$0 to (Unknown) or \$0 to Unknown	\$0 to (Unknown) or \$0 to Unknown	\$0 to (Unknown) or \$0 to Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

In response to a similar proposal from the 2007 Session (SB 468, LR # 2108-01), officials from the **Office of the State Public Defender** assumed the proposal would have no fiscal impact on their agency.

In response to a similar proposal from the 2007 Session (SB 468, LR # 2108-01), officials from the **Department of Corrections (DOC)** assumed the proposal would terminate the DOC's administrative determination of mandatory minimum prison terms (MMPTs) based on previous prison commitments. Instead of serving a minimum prison term based on the DOC's administrative determination, prisoners would be "required to serve a sentence as imposed by the judge of the sentencing court." This provision is unclear. It is clear that the bill would completely eliminate statutorily mandated MMPTs which are based solely on previous prison commitments.

DOC notes the bill leaves intact the provision in section §558.019 RSMo, which requires offenders to serve 85% for dangerous felonies. It should also be noted that the elimination of statutorily mandated MMPTs based solely on previous prison commitments would not be applied to existing sentences. §558.019.2(2) provides that offenders who were sentenced before August 28, 2007, are entitled only to having their sentences reviewed by the parole board. The board may chose to release them prior to completion of their MMPTs.

In summary, the fiscal impact to the DOC is unknown. If judges impose sentences that are similar to the existing MMPTs, there would probably be little fiscal impact. It is impossible to predict what would actually occur if this bill is enacted as currently written.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY06 average of \$39.43 per inmate, per day or an annual cost of \$14,394 per inmate) or through supervision provided by the Board of Probation and Parole (FY06 average of \$2.52 per offender, per day or an annual cost of \$920 per offender).

ASSUMPTION (continued)

Oversight has reflected the Unknown fiscal impact to Department of Corrections as \$0, assuming little fiscal impact, to a cost of More than \$100,000.

In response to a similar proposal from the 2007 Session (SB 468, LR # 2108-01), officials from the **Office of Prosecution Services** stated that it is impractical to determine the fiscal impact this proposed legislation would have on county prosecutors or the Office of Prosecution Services.

Elimination of mandatory minimum sentences might have the effect of reducing the number of cases that are decided by trial. If so, that would have a favorable fiscal impact on prosecutors. However, if the enactment of this legislation resulted in an increase in the number or crimes by recidivistic prisoners who commit new crimes after being paroled earlier than they would be paroled under the current law, then there would be a significant negative direct fiscal impact on county prosecutors, though such impact is impossible to calculate at this time.

<u>FISCAL IMPACT - State Government</u>	FY 2009	FY 2010	FY 2011
	(10 Mo.)		
GENERAL REVENUE FUND			
<u>Costs – Department of Corrections</u>			
Incarceration/probation costs	<u>\$0 to (More than \$100,000)</u>	<u>\$0 to (More than \$100,000)</u>	<u>\$0 to (More than \$100,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
	<u>\$0 to (More than \$100,000)</u>	<u>\$0 to (More than \$100,000)</u>	<u>\$0 to (More than \$100,000)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
LOCAL GOVERNMENT			
<u>Savings</u> – County prosecutors			
Reduced cases	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs</u> – County prosecutors			
Increased cases	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT			
	<u>\$0 to (Unknown) or \$0 to Unknown</u>	<u>\$0 to (Unknown) or \$0 to Unknown</u>	<u>\$0 to (Unknown) or \$0 to Unknown</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation eliminates mandatory minimum sentences for those convicted of a felony, except dangerous felons. The proposal states that a felon must serve a sentence imposed by a judge, but the Board of Probation and Parole shall have discretion to review the sentence and release the offender before the completion of the sentence.

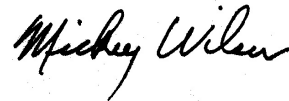
An offender sentenced under the mandatory minimum sentencing statutes before August 28, 2008, shall have his or her sentence reviewed by the Board. The Board shall have discretion to release such an offender before the end of his or her sentence.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Office of Prosecution Services
Office of the State Public Defender

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
March 12, 2008