

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5979-02  
Bill No.: SB 889  
Subject: Corrections Department; Counties; Crimes and Punishment; Criminal Procedure  
Type: Original  
Date: April 4, 2014

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Bill Summary: This proposal requires the state to pay the cost of incarceration and electronic monitoring of criminal defendants found guilty of felony offenses.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	(Could exceed \$1,000,000)	(Could exceed \$1,000,000)	(Could exceed \$1,000,000)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Could exceed \$1,000,000)</b>	<b>(Could exceed \$1,000,000)</b>	<b>(Could exceed \$1,000,000)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Local Government</b>	<b>Could exceed \$1,000,000</b>	<b>Could exceed \$1,000,000</b>	<b>Could exceed \$1,000,000</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Corrections (DOC)** state passage of this proposal would require the DOC to pay the cost of incarceration and electronic monitoring in all felony cases when the defendant is sentenced to a county jail. Current laws requires payment only in capital cases in certain circumstances. This legislation has the potential to have a significant fiscal impact on the department. The amount would be dependent on the amount of time offenders are sentenced to serve in jail plus any time served pre-trial as well as any additional costs associated with electronic monitoring.

In 2013, it appears that there were 1,534 felonies sentenced to jail. Although this is a count of sentences and not offenders, it would still represent a large number of offenders serving time for which the department would now be responsible. The amount of additional cost to the department would depend on the length of pre-trial incarceration and the time actually served in jail, reimbursed at \$19.58 per day. Releasing offenders to electronic monitoring pre-trial at \$3.00 per day could reduce the total cost, but it would still be significant.

In summary, the total cost of this legislation is unknown but could potentially cost the department several million dollars.

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

Officials from the Boone County Sheriff's Department, Cole County Sheriff's Department, Jackson County Sheriff's Department, and the Platte County Sheriff's Department did not respond to our request for fiscal impact.

**Oversight** notes, per the DOC budget request, recent expenditures for criminal case reimbursements (in the three subsets of Incarceration, Certificates of Delivery, and Extradition) to counties have been:

	<u>Incarceration</u>	<u>Delivery</u>	<u>Extradition</u>	<u>Total</u>
FY 2013	\$34,248,866	\$1,788,868	\$2,022,861	\$38,060,595
FY 2012	\$34,393,294	\$1,826,271	\$1,841,049	\$38,060,614
FY 2011	\$33,808,637	\$1,595,681	\$1,764,476	\$37,168,794

The appropriation for FY 2014 is, again, \$38,060,616, and the appropriation in the Perfected House Bill 2009 for the FY 2015 budget is \$43,330,272, which includes a \$3 per day increase in

ASSUMPTION (continued)

the reimbursement to counties, from \$19.58 per day to \$22.58 per day.

Oversight doesn't know how many additional offenders that the DOC will be required to reimburse the counties for with passage of this proposal. Assuming the 1,534 felonies assigned to jail as stated by DOC were performed by 500 felons (average of about 3 felony charges per person). This would equate to approximately \$3,573,350 in reimbursement from the state (500 x \$19.58 per day x 365 days = \$3,573,350). With the uncertainty of how many additional felons this would require the state to reimburse the counties for, Oversight will assume the cost could exceed over \$1,000,000 per year to the state.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
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**GENERAL REVENUE FUND**

<u>Costs</u> - Department of Corrections - state to pay the cost of incarceration and electronic monitoring of criminal defendants found guilty of felony offenses	(Could exceed <u>\$1,000,000</u> )	(Could exceed <u>\$1,000,000</u> )	(Could exceed <u>\$1,000,000</u> )
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<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b>(Could exceed <u>\$1,000,000</u>)</b>	<b>(Could exceed <u>\$1,000,000</u>)</b>	<b>(Could exceed <u>\$1,000,000</u>)</b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
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**COUNTIES**

<u>Income</u> - from the state Department of Corrections for cost of incarceration and electronic monitoring of criminal defendants found guilty of felony offenses	Could exceed <u>\$1,000,000</u>	Could exceed <u>\$1,000,000</u>	Could exceed <u>\$1,000,000</u>
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<b>ESTIMATED NET EFFECT TO COUNTIES</b>	<b>Could exceed <u>\$1,000,000</u></b>	<b>Could exceed <u>\$1,000,000</u></b>	<b>Could exceed <u>\$1,000,000</u></b>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Under current law, the state must pay the costs associated with a criminal case, including the costs of imprisonment, when the defendant is unable to pay and is sentenced to death or imprisonment in a state prison. The county must pay the costs when the defendant is sentenced to imprisonment in the county jail or ordered to pay a fine.

This act provides that the state must pay the costs of incarcerating the defendant in a county jail and any costs associated with electronic monitoring when the defendant is unable to pay and has been found guilty of a felony.

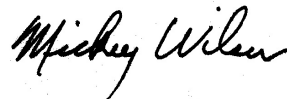
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections  
Office of the State Courts Administrator

**Not Responding:**

Boone County Sheriff's Department  
Cole County Sheriff's Department  
Jackson County Sheriff's Department  
Platte County Sheriff's Department



Mickey Wilson, CPA  
Director  
April 4, 2014

Ross Strope

L.R. No. 5979-02  
Bill No. SB 889  
Page 6 of 6  
April 4, 2014

Assistant Director  
April 4, 2014

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