

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0842-01
Bill No.: SB 189
Subject: Crimes and Punishment; Corrections Department; Governor; Prisons and Jails
Type: Original
Date: January 23, 2015

Bill Summary: This proposal provides a process for the Parole Board to review the case histories of offenders serving more than 15 years in prison and recommend clemency or allow release on parole.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	\$12,173	\$29,800	\$45,594
Total Estimated Net Effect on General Revenue	\$12,173	\$29,800	\$45,594

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on Other 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 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Department of Corrections (DOC)** state to encourage and assist the Governor in carrying out his or her constitutional responsibility, the board shall review thoroughly the case history and prison record of any offender incarcerated in a correctional institution who is serving a sentence of more than fifteen years, including life without the possibility of parole, and who:

- (1) Has no prior felony conviction;
- (2) Has served at least fifteen years of such sentence; and
- (3) Has exhausted all of such offender's appeals, in both state and federal court.

This legislation creates a statutory requirement for the parole board to review the case history and prison records of all offenders who are sentenced to more than 15 years and who meets other conditions as set in the legislation.

All reviews performed under the proposed bill would include a recommendation on clemency which would then be provided to both the Governor and the offender. This process shall be repeated every three years until the offender is released from incarceration.

Section 217.693. 3 - if the board determines after study and review of an offender's case pursuant to subsection 1 of this section that the offender has ever been physically, mentally, emotionally, or sexually abused or the offender's age, maturity level and any contributing influence at the time of the offense affected the offender's judgment, then, after serving at least fifteen years of such sentence, the offender shall be eligible for parole.

This legislation also requires that if the board finds that an offender has ever been abused, or if their age, maturity, or other influences affected their judgment, then the offender will be eligible for parole.

Review of DOC records indicates there are at least 1,243 offenders who do not have a known prior felony conviction, have a sentence of at least 15 years and have served at least 15 years of that sentence. However, it is not known how many of these offenders have exhausted their appeals. It is also not known how many of the 1,243 offenders identified would have a history of abuse or who were young, immature, or had other contributing influences at the time of their offense.

Of the identified offenders, 782 were serving life sentences. Of the 461 individuals not serving life sentences, 177 are expected to be released within the next five years, regardless of this bill. Thus, the passage of this bill might expedite the release of some offenders.

ASSUMPTION (continued)

The criteria in the proposed legislation mirrors that of Section 217.692 (2007 H.B.583) which allows for the parole after 15 years for offenders who were sentenced to life without parole if the offender was the victim of physical or sexual domestic abuse. Between 2010 and present, 5 female offenders have been paroled under this statute or approximately one per year.

This bill is broader in its application than 217.692; thus, we suggest that on average about four individuals per year will be released early upon passage of this bill, and that they will serve on average about 5 years less time in prison.

The impact of the proposed changes to the statutes would result in the Parole Board performing as many as 414 (1,243/3) additional clemency reports each year on average. However, given that these are generally violent offenders who have committed serious crimes, it is not expected that very many would have clemency recommended by the board or receive clemency under this bill. The impact of the proposed change dealing with early parole cannot be accurately determined based upon DOC records.

However, we suggest that the number of offenders released based upon this bill would likely not be too large, and could stabilize at approximately 20 fewer offenders in prison by FY 2020.

Therefore, the impact of the legislation will be the cost avoidance from releasing 20 offenders offset by the cost of parole supervision for those 20 individuals.

The FY14 average cost of supervision is \$6.72 per offender per day or an annual cost of \$2,453 per offender, while the DOC cost of incarceration is \$16.725 per day or an annual cost of \$6,105 per offender.

The DOC assumes this legislation will result in long term cost avoidance. This legislation will be fully implemented in the 5th year and would result in releasing 20 offenders to supervision. The savings would result from the lower cost of supervision (\$2,453 per year) versus the cost of incarceration (\$6,105 per year).

In summary, the DOC assumes a savings of \$12,173 in FY 2016 (4 released from prison), \$29,800 in FY 2017 (8 released from prison), and \$45,594 in FY 2018 (12 released from prison).

Officials from the **Office of the Governor** assume the proposal would not fiscally impact their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
GENERAL REVENUE			
<u>Savings</u> - Department of Corrections from reduced incarceration expense for offenders that meet the criteria in the proposal and are released	<u>\$12,173</u>	<u>\$29,800</u>	<u>\$45,594</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$12,173</u>	<u>\$29,800</u>	<u>\$45,594</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This proposal requires the Board of Probation and Parole to review the case history and prison record of offenders who are incarcerated and serving a sentence of more than 15 years who have no prior felony convictions, have served at least 15 years, and have exhausted all state and federal appeals.

Following the review, the Board must report, within a reasonable time, a recommendation to the governor on whether to deny or grant executive clemency.

If the Board finds during the review that the offender has ever been physically, mentally, emotionally, or sexually abused, or the offender's age, maturity level and any other influence at the time of the offense affected the offender's judgment, then the offender shall be eligible for parole.

FISCAL DESCRIPTION (continued)

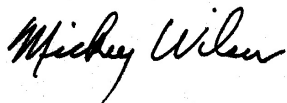
When deciding whether to recommend a grant or denial of executive clemency, the Board must consider the length of time served, the offender's prison record and self-rehabilitation efforts, evidence of abuse, the offender's role in the crime and the degree of violence exhibited, whether a plea bargain was offered, the severity of the sentence received in comparison to the offender's role in the crime, the age and maturity of the offender and any contributing influence affecting the offender's judgment, and whether the offender has given substantial thought to a workable parole plan.

Any offender's case that is reviewed must be re-reviewed every three years the offender remains incarcerated.

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 Governor



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January 23, 2015

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January 23, 2015