

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5346-01
Bill No.: SB 777
Subject: Crimes and Punishment; Prisons and Jails
Type: Original
Date: February 1, 2018

Bill Summary: This proposal sets a maximum of fourteen days of state reimbursement to county governments who hold certain prisoners who are not charged with dangerous felonies or murder.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	Unknown	Unknown	Unknown
Total Estimated Net Effect on General Revenue	Unknown	Unknown	Unknown

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration - Budget and Planning (B&P)** state this bill may lead to reduced costs in the Department of Corrections budget. B&P defers to the Department of Corrections for a fiscal impact estimate.

Officials from the **Department of Corrections (DOC)** state the impact resulting from this proposed legislation is unknown, but it could reduce reimbursements to counties. Pursuant to RSMo 550.020, in all cases where a defendant is convicted of an offense punishable solely by imprisonment in the penitentiary and sentenced to imprisonment, the state shall pay costs. This bill would not increase the number of payments, however, it may reduce the amount paid to counties because of those not charged with a dangerous felony as defined in section 556.061 or with the offense of murder in the first degree pursuant to section 565.020.

DOC does not track the number of cases that fall into 556.061 and 565.020, therefore, we cannot provide an accurate financial impact, only that the reimbursement to counties would be reduced.

An additional impact to the Department would be that each case would have to be researched by the county reimbursement staff to verify the exact charge for each case to ensure the 14 day limit is enforced for those cases meeting the criteria stated. This would result in the department requesting additional information from the county to make an accurate assessment. The exact amount of additional time spent on each case cannot be determined.

Another consideration is if offenders spend less time in county jails as a result of this legislation and come in with less jail time credit, it could affect the prison population and increase the impact.

Officials from the **Boone County Sheriff's Department** state the proposal likely result in substantial losses to their county. It costs approximately \$67 per day to house a person in the Boone County jail. The state only reimburses approximately \$22.50 per day per inmate. Many inmates stay in custody much longer than 14 days and if the state no longer has to reimburse for days in custody more than 14, our losses will be substantial.

Officials from the **Greene County Sheriff's Department** state the fiscal impact could be multi-millions each year.

Officials from the Buchanan County Sheriff's Department, the Callaway County Sheriff's Department, the Cass County Sheriff's Department, the Clark County Sheriff's Department, the

Clay County Sheriff's Department, the Cole County Sheriff's Department, the Franklin County Sheriff's Department, the Jackson County Sheriff's Department, the Jasper County Sheriff's Department, the Jefferson County Sheriff's Department, and the Platte County Sheriff's Department did not respond to **Oversight's** request for fiscal impact.

State appropriated daily incarceration rate per offender

Year	Reimbursement Rate
7/1/98 - 6/30/02	\$22.50
7/1/02 -6/30/07	\$20.00
7/1/07 -6/30/08	\$21.25
7/1/08 - 6/30/10	\$22.00
7/1/10 -9/30/14	\$19.58
10/1/14-6/30/15	\$21.58
7/1/15 - 6/30/16	\$20.58
7/1/16 - 7/1/17	\$21.08
7/1/17 - 7/1/18	\$22.58

Source: Department of Corrections

Total Reimbursements Paid by DOC to Counties

	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018 (appropriated)
Transportation	\$1,892,884	\$1,961,275	\$2,282,801	\$1,842,975	\$1,900,000
Extradition	\$1,506,710	\$2,225,073	\$1,307,207	\$1,842,985	\$1,900,000
Costs of incarceration	\$33,518,537	\$39,143,794	\$36,226,992	\$35,787,851	\$40,030,272
Total	\$36,918,131	\$43,330,142	\$39,817,000	\$39,473,811	\$43,830,272

Source: Department of Corrections

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
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GENERAL REVENUE FUND

<u>Savings</u> - DOC - in certain circumstances, sets a maximum of 14 days of state reimbursements to county governments for holding prisoners	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
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ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
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COUNTIES

<u>Loss</u> - potential decrease in reimbursement from the state	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO COUNTIES	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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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

This act provides that, in instances where the state reimburses political subdivisions for the costs of incarcerating certain prisoners, and those prisoners have not been charged with a dangerous felony or first-degree murder, the total costs chargeable to the state shall not exceed fourteen times the effective daily rate of reimbursement.

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

L.R. No. 5346-01
Bill No. SB 777
Page 6 of 6
February 1, 2018

SOURCES OF INFORMATION

Office of Administration - Budget and Planning
Department of Corrections
Greene County Sheriff's Department
Boone County Sheriff's Department

Ross Strope

A handwritten signature in black ink, appearing to read "Ross Strope", with a stylized flourish at the end.

Acting Director
February 1, 2018