

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0761-08
Bill No.: SS for SCS for HCS for HB 192 with SA 2, SA 3, SA 4, SA 6 and SA 7
Subject: Courts; Crimes and Punishment; Criminal Procedure; Fees; Judges; Prisons and Jails; Public Service Commission
Type: Original
Date: May 9, 2019

Bill Summary: This proposal modifies provisions relating to court procedures, including appellate procedures, the payment of fines and required minimum prison sentences.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2023)
General Revenue	\$1,005,920	\$1,635,249	\$1,524,806	\$5,868,866
Total Estimated Net Effect on General Revenue	\$1,005,920	\$1,635,249	\$1,524,806	\$5,868,866

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 23 pages

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ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2026)
Missouri Office of Prosecution Services Fund	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Various State Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2026)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

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ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2026)
General Revenue	0 FTE	0 FTE	0 FTE	4 FTE
Total Estimated Net Effect on FTE	0 FTE	0 FTE	0 FTE	4 FTE

☒ 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 2020	FY 2021	FY 2022	Fully Implemented (FY 2026)
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§§386.510 & 386.515 - Public Service Commission

In response to similar legislation from this year, SCS for HB 355, officials from the **Department of Economic Development (Division of Energy, Public Service Commission, and Office of Public Counsel)** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from this year, SCS for HB 355, officials from the **Attorney General's Office** and the **City Utilities of Springfield Missouri** each assumed the proposal will have no fiscal impact on their respective organizations.

Oversight notes that the above mentioned agencies have each stated the proposal would not have a direct fiscal impact on their respective organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other utilities were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

§§543.270 - 558.006 - Payment of fines by offenders

Officials at the **Office of Prosecution Services (MOPS)** assume a possible negative fiscal impact on MOPS and prosecutors since part of their funding for training and other items is a criminal cost surcharge under §56.765, RSMo. The waiver of costs would impact MOPS and county prosecutors as there is currently a \$1 surcharge in criminal and traffic cases that is split 50 cents to MOPS and 50 cents to county prosecutors. MOPS' share helps fund the operations of the office. Prosecutors use their share to help fund training and other expenses. Any waiver of those costs by a judge would have a negative impact, but the extent of that impact is difficult to determine.

Oversight notes that court costs are distributed to various state funds. Below is a list of some of those funds.

ASSUMPTION (continued)

Fee/Fund Name	Fee Amount
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims' Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Sheriff's Retirement Fund	\$3.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff's Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$4.00
Prosecuting Attorney Training Fund	\$1.00 (\$0.50 State/\$0.50 County)
Spinal Cord Injury Fund	\$2.00

Using the list of the various funds above, if a waiver of cost is implemented, those funds would have an unknown loss as well. Therefore, Oversight will reflect a \$0 to unknown loss in surcharge fees deposited into the MOPS fund and the various state funds for this proposal.

In response to a previous version, officials at the **Boone County Sheriff's Department** and the **Jackson County Sheriff's Office** each assumed no fiscal impact to their respective entities from this proposal.

ASSUMPTION (continued)

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, counties and sheriff offices were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

Oversight notes that removing the imprisonment option for persons who fail to pay fines and court costs may have a direct unknown negative impact on fine and fee collections as well as unknown savings on jail costs, depending upon actions/decisions of judges. Oversight will reflect a positive to negative unknown for local governments in the fiscal note.

Oversight also notes that all other means of collecting unpaid debts are available to judges.

§558.019 - Modifies provisions relating to court procedures

Officials at the **Department of Corrections (DOC)** assume a direct impact from this legislation would result in a cost avoidance that would be fully implemented in FY2023 of \$5,868,866. The proposed legislation modifies the criminal offenses that are punished by a minimum prison term (MPT). The changes in this version of FN0157 makes the provisions concerning commitment count minimum prison terms retroactive to apply to offenders currently incarcerated.

The impact of the proposed changes are computed separately for the offenses that will not serve an MPT but currently do and those offenses (drug trafficking) that will serve a MPT but currently do not. The total impact to the DOC will be a decrease in the prison population of 192 in FY20 and then to 925 in FY23. There will be an offsetting increase in parole supervision.

Total Impact										
	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
Prison Population										
Removing MPT	-192	-255	-255	-967	-967	-967	-967	-967	-967	-967
Adding MPT			22	42	42	42	42	42	42	42
Total	-192	-255	-233	-925	-925	-925	-925	-925	-925	-925
Field Population										
P&P Officers + or -	192	255	233	925	925	925	925	925	925	925

The total impact was determined by the following:

I) The number of offenders who are sentenced to a minimum prison term for an eligible offense

In FY18, there were 1,885 offenders who had a parole hearing and were sentenced to a minimum prison term with an eligible nonviolent offense. The average sentence ranged from 5.8 years by

ASSUMPTION (continued)

offenders who had served one prior DOC incarceration and were required to serve 40% of the sentence to 6.0 years by offenders who had served three or more DOC incarcerations and were required to serve 80% of the sentence before parole eligibility. In addition, there are estimated to be 45 offenders serving drug trafficking offenses who had prior DOC incarcerations and would have served an MPT. The trafficking offenses include drug trafficking 1st degree and drug trafficking 2nd degree with an enhanced sentence.

New admissions with parole hearings in FY18**Serving a minimum prison term****Defined nonviolent offenses**

Minimum Prison Term	Hearings	Average Sentence (years)
Drug Trafficking	45	12.3
40%	1,133	5.8
50%	467	5.9
80%	285	6.0
Total	1,930	5.9

ii) **The number of offenders who would have been required to serve a minimum prison term but who will be released by the Board of Probation and Parole after serving a shorter prison stay.**

The estimate of how many offenders who will no longer be required to serve a minimum prison term and will be released earlier is based upon the Board's calculation of a guideline release date.

New admissions with a parole hearing in FY18**MPT offenders likely to be released on the guideline date**

MPT	Release date is the MPT date and not ASAP	Guideline date is less than 90 days from Admission (ASAP)	Release date is after the MPT date	Releases Decisions	Percent Released on MPT date not ASAP
40%	436	93	604	1,133	38.5%
50%	227	45	195	467	48.6%
80%	146	48	91	285	51.2%
Total	809	186	890	1,885	42.9%

In FY18, there were 1,885 planned releases of offenders who had been required to serve a minimum prison term of which 809 (42.9%) are estimated to be offenders who could be released earlier. These are offenders who will be released on the MPT date and were not ASAP. ASAP

ASSUMPTION (continued)

offenders are offenders who had a guideline release date that was within the first 90 days of incarceration. This occurs when offenders are admitted with significant jail time that is credited to the time served. ASAP offenders (186) cannot be released on the guideline date because of the time required for the administrative tasks of holding a hearing and arranging for the release. The offenders who were released after the MPT date (890) are high risk offenders are also excluded from an early release if the MPT was removed.

Average time served serving a MPT and the guideline term
MPT offenders likely to be released on the guideline date

MPT	Released on MPT (not ASAP)	Average Sentence (years)	Average MPT (years)	Average Guideline/ (years)	Guideline Percent Served	Reduction in time to first release (years)	Increase in parole recidivism (years)	Net reduction in time served (years)	Total reduction in prison population
40%	436	5.4	2.2	1.4	26%	0.8	0.3	0.5	229
50%	227	5.7	2.9	1.6	29%	1.2	0.4	0.8	189
80%	146	6.2	5.0	2.0	32%	3.0	1.0	1.9	297
Total	809	5.7	2.9	1.6	28%	1.3	0.5	0.8	712

The calculation of the reduction in the time served is the difference between the MPT time (2.9 years) and the average guideline time served (1.6 years) multiplied by the number of offenders to be released on the MPT date (809). The DOC is offsetting this reduction in time served by adding back 35% of the reduction as an estimate of increased recidivism from a longer period on parole. The estimate of 35% is the average time offenders discharged from parole in FY18 spent in prison after first release because their parole was revoked. After adding in the parole recidivism, the average reduction in time served is 0.8 years, resulting in a total reduction in the prison population of 712 which will be achieved by FY2023. The reduction in the prison population will be offset by an increase in parole population. The increase in the parole population is estimated to need an increase of three P&P officers.

Change in prison admissions and probation openings with legislation

	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
New Admissions										
Current Law	809	809	809	809	809	809	809	809	809	809
After Legislation	809	809	809	809	809	809	809	809	809	809
Probation										
Current Law	-	-	-	-	-	-	-	-	-	-
After Legislation	-	-	-	-	-	-	-	-	-	-
Change (After Legislation - Current Law)										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
Cumulative Populations										
Prison	-	-	-	-712	-712	-712	-712	-712	-712	-712
Parole	-	-	-	712	712	712	712	712	712	712
Probation	-	-	-	0	0	0	0	0	0	0
Impact										
Prison Population	-	-	-	-712	-712	-712	-712	-712	-712	-712
Field Population	-	-	-	712	712	712	712	712	712	712
Population Change	-	-	-	-	-	-	-	-	-	-
P&P Officers + or -	0	0	0	3	3	3	3	3	3	3

ASSUMPTION (continued)

iii) Increase in time served by offenders required to serve a minimum prison term for drug trafficking

Using a similar methodology for calculating the impact of adding a MPT it is estimated that of the 45 drug trafficking offender with a MPT, 22 would be released on the MPT date and they will serve an average of 6.1 years before parole instead of the 3.1 years that the parole board would have required. This is an increase of 3.0 years, but there will be a decrease in parole recidivism of 1.1 years because the offenders are serving longer to first release. The total increase in the population is 42.

Adding drug trafficking to the MPT offenses

	Release Decisions	Released on MPT date	Average MPT (years)	Average Guideline/ (years)	Guideline Percent Served	Increase in time to first release (years)	decrease in parole recidivism (years)	Net increase in time served (years)	Total increase in prison population	Increase after 10 years
40%	27	13	4.9	3.0	24%	2.0	0.7	1.3	16	16
50%	11	6	6.2	3.1	25%	3.1	1.1	2.0	11	11
80%	7	4	9.8	3.4	28%	6.4	2.2	4.2	15	15
Total	45	22	6.1	3.1	28%	3.0	1.1	2.0	42	42

The combined impact is a decrease in the prison population of 670 and an increase in the parole population of 670.

Combined Impact

	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
Prison Population										
Removing MPT				-712	-712	-712	-712	-712	-712	-712
Adding MPT			22	42	42	42	42	42	42	42
Total			22	-670	-670	-670	-670	-670	-670	-670
Field Population			-22	670	670	670	670	670	670	670
P&P Officers + or -				2	2	2	2	2	2	2

iv) The release of currently incarcerated offenders serving a nonviolent MPT sentence.

The legislation in version 10 makes the change in the MPT retroactive and will remove the MPT from offenders serving eligible nonviolent offenses. The estimate of the offenders affected by the removal is the number of eligible MPT offenders who have a release date set on the MPT date but who have a guideline release that has already passed. The reduction in the time served is the time from today to the minimum prison term date. The reduction is offset by 35% to account for an increase in parole returns because of an increase in the time on supervision. An estimate is made for FY2020 and FY2021. The estimate for FY2021 is one third of the FY2020 estimate.

Offenders incarcerated serving an MPT who could be released without the MPT

Minimum Prison Term	FY2020 Count	FY2021 Count	Average Sentence (years)	Reduction in time served (years)	Increase in parole violators	Population reduction in FY2020	Population reduction in FY2021
40	171	56	5.6	0.4	0.3	43	14
50	144	48	5.9	0.7	0.4	64	21
80	147	49	6.4	0.9	0.6	85	28
Total	462	152	6.0	0.6	0.4	192	63

Applying the change in the MPT retroactively will effect 462 offenders in FY2020 and 152 offenders in FY2021 and the average reduction in the time served will be 0.4 years, resulting in a one-time reduction of 192 in the prison population in FY2020 and a reduction of 63 in FY2021.

In December 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2019 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 57 probation and parole districts. When projecting the impact for each probation and parole district, DOC uses actual caseload dispersion data to determine the caseload impact per district, and therefore project the number of officers needed when adding at least 51 offender cases in a district.

The DOC cost of incarceration is \$17.224 per day or an annual cost of \$6,287 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

ASSUMPTION (continued)

DOC assumes the total impact for this version below:

	fewer # in prison	Cost per year	Total Savings for prison	increased # on probation & parole	Add'l P&P Officers needed FTE	Total cost for probation and parole	Grand Total - Prison and Probation (includes and 2% inflation)
Year 1	(192)	(\$6,287)	\$1,005,920	192	0	\$0	\$1,005,920
Year 2	(255)	(\$6,287)	\$1,635,249	255	0	\$0	\$1,635,249
Year 3	(233)	(\$6,287)	\$1,524,052	233	0	\$0	\$1,524,052
Year 4	(925)	(\$6,287)	\$6,171,429	925	4	(\$302,563)	\$5,868,866
Year 5	(925)	(\$6,287)	\$6,294,857	925	4	(\$270,732)	\$6,024,125
Year 6	(925)	(\$6,287)	\$6,420,754	925	4	(\$273,645)	\$6,147,109
Year 7	(925)	(\$6,287)	\$6,549,169	925	4	(\$276,598)	\$6,272,571
Year 8	(925)	(\$6,287)	\$6,680,153	925	4	(\$279,582)	\$6,400,571
Year 9	(925)	(\$6,287)	\$6,813,756	925	4	(\$282,600)	\$6,531,156
Year 10	(925)	(\$6,287)	\$6,950,031	925	4	(\$285,660)	\$6,664,371

Oversight has no information which contradicts DOC's response and will reflect a net cost avoidance that is fully implemented in FY2023 of \$5,868,866.

In response to similar legislation from this year, SCS for SB Nos. 8 & 74, officials at the **Office of the State Courts Administrator**, the **Department of Social Services** and the **Office of the Attorney General** each assumed no fiscal impact to their respective agencies from this proposal.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

Bill as a Whole (SS for SCS for HCS for HB 192 only)

With the exception to what is already addressed above, officials from the **Office of Prosecution Services** assume no fiscal impact for this proposal.

With the exception to what is already addressed above, officials from the **Department of Corrections** assume no fiscal impact for this proposal.

ASSUMPTION (continued)

Officials at the **Missouri Department of Transportation**, the **Department of Economic Development**, the **Department of Revenue** and the **State Tax Commission** each assume no fiscal impact from this proposal.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

Officials at the **City of Kansas City** assume no fiscal impact from this proposal.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other <fill in the blank (school districts, counties, etc.)> were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov. The DOC would assume this amendment will result in long term cost as indicated in the chart below:

Senate Amendment 2 - \$304.590

In response to similar legislation from this year, SB 91, officials from the **Office of the State Courts Administrator**, **Department of Revenue** and **Department of Transportation** each assumed the proposal will have no fiscal impact on their respective organizations.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assume the proposal will have no fiscal impact on their organization.

MHP notes the following number of citations and warnings were issued for violations that occurred in a travel safe zone:

Year	Citations	Warnings
2018	101	26
2017	84	25
2016	242	40

Oversight notes this proposal removes the provision that requires courts to double fine amounts if a violation is assessed in a travel safe zone. Oversight assumes the removal of this provision could decrease the amount of fine revenue collected.

ASSUMPTION (continued)

Oversight notes that fine amounts vary for the multiple moving and speeding violations referenced in this proposal. A portion of the ticket amount consists of fine revenue (to the local school districts) and the remaining amount consists of various state and local funds for court costs. However, all fines may not have been paid (for example, the court could have dismissed the ticket or set the fine at a different amount). Also, judges may continue to double fines in travel safe zones with passage of this legislation.

Oversight does not know how many such tickets were issued statewide by all law enforcement agencies in travel safe zones but would assume the majority are issued by the MHP. Oversight notes court costs should remain the same regardless if the fine is doubled; therefore, Oversight will reflect a potential decrease in fine revenue to local political subdivisions of "Less than \$100,000" per year.

Senate Amendment 3 - §§476.001 & 600.042 - State Public Defender district offices

In response to similar legislation from this year, Perfected HB 868, **Oversight** notes that the **Office of State Courts Administrator (OSCA)** and **State Public Defender's Office (SPD)** have stated the proposal would not have a direct fiscal impact on their organizations.

Oversight notes in 2013, HB 215 was Truly Agreed To and Finally Passed which included language that required the realignment of district offices to coincide with existing judicial circuits. The Missouri State Public Defender District Office Realignment Plan can be found at <https://publicdefender.mo.gov/about-mspd>.

In response to the previous legislation, Oversight notes the SPD has 33 trial district offices serving 45 judicial circuits, 114 counties and the City of St. Louis. By statute, office space for these district offices is provided and paid for by the counties served by that district office, each county paying a proportion of the total rent and utilities according to the comparative population.

Each time the geographic boundaries of a defender office's area of service are changed, the leases which the counties have signed and the respective payment obligations of all the counties involved, are also impacted. Counties pulling out of a particular office's service area are no longer receiving services from that office but are obligated under the signed lease to pay a proportion of the cost of the lease of that office. If the lease could be renegotiated, the remaining counties would be required to pick up a larger portion of the lease even though that was never planned for in their budgets. Even where the switch in coverage areas does not change the number of counties (i.e. one is removed and a different one is added) the amounts owed by each county can and usually do shift. The obligation of the counties is allocated by population, so the removal of a more populous county and its replacement with a lesser populated county shifts a higher percentage of the rent costs for the public defender office to the other counties in the district.

ASSUMPTION (continued)

Only then can it be determined which offices need to move, the costs of those moves, which offices are closing, where are new offices opening, what the counties will agree to pay for in terms of office space adjustments and where are the gaps that SPD may have to step in and cover to keep an office from becoming homeless, as has happened before.

The duration of leases also vary by district office all around the state -- i.e. they do not all expire at one time making it impossible to conveniently rearrange all into new geographic boundaries and then sign new leases. While the lease in two of the counties that make up one-half of a judicial circuit may expire this year, the lease for two other counties that need to move into that circuit may not expire for five years. This makes transitioning offices to congruency with judicial circuits a very complicated task. Counties are not willing to pay for overlapping leases, which means that leases entered into by the counties will have to be broken. Each lease generally has a fiscal year end out clause if the legislature no longer funds the public defender office -- or, as in this case, so drastically reduces the size of the offices that office space changes will need to be made. However, not only does that often cost county commissioners good will with their local constituents who are the landlords for the building, there is also a cost penalty involved. Most leases amortize the costs of renovation and build-out over the life of the lease. If the lease is terminated early, those build-out costs become immediately payable in full by the counties who signed the leases. This is without regard to whether the counties have budgeted for such large payments to come due all at once.

Because of the change in law in 2013, counties now include language in the lease to accommodate a potential change in a county's assigned area.

By removing the provisions in §600.042, some counties may experience a savings in lease costs, other counties may experience an increase, and still others may not be impacted. Therefore, **Oversight** will reflect the impact to counties as \$0 to unknown costs/unknown savings.

Oversight notes the plan is to be implemented by December 31, 2021.

Senate Amendment 4

In response to a similar proposal from this year (SB 137), officials at the **Office of the State Courts Administrator**, the **Department of Revenue**, the **Missouri Department of Transportation**, the **Missouri Highway Patrol** and the **Department of Mental Health** each assumed no fiscal impact to their respective agencies from this proposal.

In response to a similar proposal from this year (SB 137), officials at the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond current appropriations.

ASSUMPTION (continued)

Oversight notes that the Office of the State Courts Administrator, the Department of Revenue, the Missouri Department of Transportation, the Missouri Highway Patrol, the Department of Mental Health and the Joint Committee on Administrative Rules have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

In response to a similar proposal from this year (SB 137), officials at the **St. Louis County Circuit Clerk's Office** and the **St. Louis County Police Department** each assume no fiscal impact to their respective entities from this proposal.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other local law enforcement agencies within St. Louis County and the county of St. Louis were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

Senate Amendment 6 - §§479.020, 479.353 & 479.354

In response to similar legislation from this year, SCS for HCS for HB 67, officials at the **Office of the State Courts Administrator (OSCA)**, the **Office of the Attorney General**, the **Joint Committee on Administrative Rules**, the **Department of Corrections**, the **Office of Prosecution Services** and the **Office of the State Public Defender** each assumed there is no fiscal impact from this proposal.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies for these sections.

In response to similar legislation from this year, SCS for HCS for HB 67, officials at the **City of St. Louis** stated that according to an Administrative Judge of the City, there would be no quantifiable fiscal impact to the City if these proposals are enacted.

In response to similar legislation from this year, SCS for HCS for HB 67, officials at the **City of Kansas City**, **Greene County**, the **City of Springfield**, the **Kansas City Board of Election Commissioners** and the **City of Keytesville** each assumed no fiscal impact to their respective entities from this proposal.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities and counties were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

ASSUMPTION (continued)

Senate Amendment 7 - §57.280

In response to similar legislation from this year, HB 722, officials at the **Office of the State Courts Administrator** assumed there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

In response to similar legislation from this year, HB 722, officials at the **Monroe County Assessor** assumed no fiscal impact from this proposal.

In response to similar legislation from 2018, HCS for HB 1356, officials at **St. Louis County** and the **Boone County Sheriff's Department** each assumed no fiscal impact to their respective entities from this proposal.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other counties and sheriff departments were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

Oversight notes the proposal states "the sheriff, or any other person specifically appointed to serve in a county that receives funds under Section 57.278" shall receive \$10 for the service, which shall be deposited into the deputy sheriff salary supplementation fund created under Section 57.278.

Oversight notes according to the Office of the State Treasurer annual reports, the Deputy Sheriff Salary Supplementation Fund (0913) had the following activity:

	Receipts	Disbursements	Ending Balance
FY 2017	\$2,719,878	\$2,960,171	\$11,534,982
FY 2018	\$2,699,737	\$2,984,535	\$11,250,185

Also, according to the Department of Public Safety, the following award amounts were paid out in 2018.

2018 Deputy Sheriff Salary Supplementation Fund Award/Payments							
County	2018 payment	County	2018 payment	County	2018 payment	County/City	2018 Payment
Andrew	\$33,344	Daviess	\$8,903	McDonald	\$66,490	Schuyler	\$21,658
Audrain	\$8,264	DeKalb	\$21,300	Mercer	\$2,909	Scotland	\$832
Barry	\$78,739	Dent	\$1,345	Miller	\$136,869	Scott	\$16,591
Barton	\$50,884	Dunklin	\$40,347	Moniteau	\$62,721	Shannon	\$24,569
Bates	\$29,291	Gasconade	\$26,009	Monroe	\$35,921	Shelby	\$11,482
Benton	\$44,518	Grundy	\$16,543	Montgomery	\$2,234	St. Francois	\$39,241
Bollinger	\$12,617	Henry	\$40,365	Oregon	\$28,283	St. Louis City	\$48,556
Butler	\$47,752	Hickory	\$32,679	Osage	\$28,864	Stoddard	\$23,652
Caldwell	\$5,941	Holt	\$28,921	Ozark	\$41,012	Stone	\$8,648
Callaway	\$2,904	Howard	\$15,860	Pemiscot	\$42,446	Sullivan	\$2,258
Camden	\$112,927	Howell	\$87,044	Perry	\$40,123	Texas	\$96,858
Cape G.	\$3,023	Iron	\$81,855	Pettis	\$98,172	Vernon	\$24,069
Carter	\$51,667	Johnson	\$46,686	Polk	\$62,867	Washington	\$109,586
Cedar	\$96,996	Knox	\$22,640	Pulaski	\$13,703	Wayne	\$13,761
Chariton	\$34,027	Laclede	\$22,889	Randolph	\$45,149	Webster	\$11,741
Christian	\$6,563	Linn	\$33,153	Ray	\$16,007	Worth	\$15,918
Clinton	\$63,505	Livingston	\$15,083	Reynolds	\$35,133	Wright	\$81,860
Dade	\$99,341	Macon	\$959	Ripley	\$79,691		
Dallas	\$60,551	Maries	\$38,709	Saline	\$71,965	TOTAL	\$2,885,980

Source: Department of Public Safety

Oversight assumes the proposal would allow sheriffs in the above counties to specifically appoint persons to serve a summons, writ, or subpoena and collect the \$10 specified in statutes. Oversight assumes this will not materially increase collections into the Deputy Sheriff Salary Supplementation Fund.

Bill as a whole, as amended

Other than what is already stated above, officials at the **State Public Defenders Office** assume no fiscal impact for this proposal as amended.

Other than what is already stated above, officials at the **Missouri Highway Patrol** assume no fiscal impact for this proposal as amended.

Other than what is already stated above, officials at the **Office of Prosecution Services** assume no fiscal impact for this proposal as amended.

ASSUMPTION (continued)

Officials at the **City of Columbia** and the **Joplin Police Department** each assume no fiscal impact to their respective entities from this proposal.

<u>FISCAL IMPACT -</u> <u>State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2023)
GENERAL REVENUE				
<u>Cost - DOC - 4FTE</u> additional Probation and Parole Officer for decreased number of offenders in prisons (\$558.019) p. 11	\$0	\$0	\$0	(\$302,563)
<u>Cost Avoidance -</u> DOC - reduction of prisoner population (\$558.019) p. 11	<u>\$1,005,920</u>	<u>\$1,635,249</u>	<u>\$1,524,052</u>	<u>\$6,171,429</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$1,005,920</u>	<u>\$1,635,249</u>	<u>\$1,524,052</u>	<u>\$5,868,866</u>
Estimated Net Change to FTE	0 FTE	0 FTE	0 FTE	4 FTE

<u>FISCAL IMPACT -</u> <u>State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2026)
MISSOURI OFFICE OF PROSECUTION SERVICES FUND				
<u>Loss</u> - MOPS - in funding from potential decrease in surcharge fees collected if there is a waiver of costs (§§543.270, 558.006) p. 5	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON THE MISSOURI OFFICE OF PROSECUTION SERVICES FUND	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
VARIOUS STATE FUNDS				
<u>Loss</u> - in funding from potential decrease in surcharge fees collected if there is a waiver of costs (§§543.270, 558.006) p. 5	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>Unknown</u>	<u>\$0 or</u> <u>Unknown</u>
ESTIMATED NET EFFECT ON VARIOUS STATE FUNDS	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>

FISCAL IMPACT -
Local GovernmentFY 2020
(10 Mo.)

FY 2021

FY 2022

Fully
Implemented
(FY 2026)**LOCAL
POLITICAL
SUBDIVISIONS**Savings - on jails not
utilized on non-
payment offenders
 (§§543.270,
558.006) p.

Unknown

Unknown

Unknown

Unknown

Savings - Certain
counties - decrease
in operational costs
including rent
expense (§600.042)
SA 3 p.13-14

\$0 to Unknown

\$0 to Unknown

\$0 to Unknown

\$0 to Unknown

Loss - on fine and
fee collections
 (§§543.270,
558.006) p. 6

(Unknown)

(Unknown)

(Unknown)

(Unknown)

Loss - fine revenue
to various local
political
subdivisions for
tickets for various
moving and
speeding violations
in travel safe zones
 (§304.590) SA 2
p. 13(Less than
\$100,000)(Less than
\$100,000)(Less than
\$100,000)(Less than
\$100,000)

<u>FISCAL IMPACT -</u> <u>Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2026)
<u>Costs</u> - Certain counties - increase in operational costs - including rent and lease (\$600.042) SA 3 p.13-14	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	Unknown to <u>(Unknown)</u>	Unknown to <u>(Unknown)</u>	Unknown to <u>(Unknown)</u>	Unknown to <u>(Unknown)</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

§558.019

Under current law, all classes of felonies, except those with specific minimum sentences and those involving controlled substances, are subject to statutorily required minimum prison terms. This act provides that such minimum prison terms shall only apply to certain named offenses as listed in the act.

The provisions of this act shall apply to felonies which a person pled guilty to, or was convicted of, prior to August 28, 2019.

§§543.270 & 558.006

Currently, associate circuit judges have the ability to commute fines and costs against defendants who are unable to pay when the defendant requests to be imprisoned in the county jail. The fine shall be credited at the rate of \$10 for each day's imprisonment. This bill repeals that language.

The bill repeals language that allows the court, upon a motion by the prosecuting attorney or by its own motion, to require a defendant to show cause as to why he or she should not be imprisoned for failure to pay and allows the court to imprison such defendant, if no good cause is shown, for various lengths depending on whether the offense was a misdemeanor or a felony.

FISCAL DESCRIPTION (continued)

Instead, when a defendant fails to pay a fine or an installment, the fine or installment may be collected by any means authorized for the collection of money judgments, or it may be waived at the discretion of the judge. In no event can the recovery of costs incurred by a municipality or county for the detention, imprisonment, or holding of a person be the subject of any condition of probation, and the failure to pay costs cannot be the only basis for the issuance of a warrant.

§304.590 - Senate Amendment 2

This act specifies that a court may, rather than shall, double the fine for certain traffic offenses when committed in a travel safe zone designated by the Missouri Department of Transportation.

§§476.001 & 600.042 - Senate Amendment 3 - State Public Defender district offices

This bill removes a provision requiring the Director of the Public Defender's Office to prepare a plan to establish district offices, which would coincide with existing judicial circuits.

SOURCES OF INFORMATION

Missouri Department of Transportation
Department of Revenue
Office of the State Public Defender
State Tax Commission
Office of Prosecution Services
Department of Economic Development
Department of Corrections
Office of State Court Administrators
Office of the Attorney General
Department of Social Services
Missouri Highway Patrol
Joint Committee on Administrative Rules
City Utilities of Springfield
Boone County Sheriff's Department
Jackson County Sheriff's Department
City of Kansas City
City of Springfield
St. Louis County Police Department
Springfield Police Department
St. Louis County Department of Justice Services
St. Louis City
Green County
Kansas City Board of Election Commissioners
City of Keytesville
Monroe County Assessor

L.R. No. 0761-08

Bill No. SS for SCS for HCS for HB 192 with SA 2, SA 3, SA 4, SA 6 and SA 7

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SOURCES OF INFORMATION (continued)

St. Louis County

City of Columbia

Joplin Police Department



Kyle Rieman

Director

May 9, 2019

Ross Strobe

Assistant Director

May 9, 2019