

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1589-03
Bill No.: HCS for SB 297
Subject: Courts; Juries; Crimes and Punishment; Criminal Procedure; Probation and Parole
Type: Original
Date: May 1, 2019

Bill Summary: This proposal modifies provisions relating to court proceedings.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
Total Estimated Net Effect on General Revenue	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§559.016 & 559.600 - Probation

Oversight contacted the Department of Corrections (DOC) regarding the changes to the language in §559.016. The DOC stated the term of probation for misdemeanors (unless sexual in nature) or a municipal ordinance violation would not affect the DOC.

Oversight also contacted DOC and the Office of State Court Administrators (OSCA) to obtain a listing and/or the number of private probation services in addition to the number of offenders utilizing the service. DOC officials stated the statute that permits private probation allows courts to contract to provide supervision to clients, therefore, DOC would not have this information. In addition, OSCA is not able to reliably provide a list of court-approved entities that provide private probation supervision services. Circuit courts are responsible for contracting with the companies that provide this type of service. Courts enter the probation record but can not tell if a private probation supervision services company is being used by an offender.

§565.030 - Trial Procedures for Murder in the First Degree

Officials at the **Office of the State Public Defender (SPD)** assume this proposed legislation could have a positive fiscal impact on the SPD. If the jury cannot decide upon punishment, the judge cannot impose a punishment of death. Depending on the number of times this could occur, the SPD would not have a capital appeal, a capital Post Conviction Relief (PCR) or a capital PCR appeal on the limited number of cases where a judge decides the sentence of death in a capital case. Therefore, a cost savings could be possible.

Oversight will assume that any savings realized by the SPD could potentially be shifted to other cases. Therefore, Oversight will range the fiscal impact from \$0 to an unknown amount.

In response to similar legislation from this year, HCS for HB 80, officials at the **Office of the Attorney General** assumed no fiscal impact from this proposal.

Oversight notes that the Office of the Attorney has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

ASSUMPTION (continued)

Bill as a Whole

Officials at the **Office of the State Courts Administrator**, the **Missouri Highway Patrol**, the **Department of Revenue**, the **Department of Health and Senior Services**, the **Missouri Department of Transportation**, the **Department of Corrections**, the **Department of Mental Health** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

Oversight notes that the Office of the State Courts Administrator, the Missouri Highway Patrol, the Department of Revenue, the Department of Health and Senior Services, the Missouri Department of Transportation, the Department of Corrections, the Department of Mental Health and the Office of Prosecution Services each has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

Officials at the **Springfield Police Department**, the **Joplin Police Department** and the **St. Louis County Department of Justice Services** 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 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.

<u>FISCAL IMPACT - State Government</u>	FY 2020	FY 2021	FY 2022
	(10 Mo.)		
GENERAL REVENUE			
<u>Savings</u> - SPD - \$565.030 - potential savings if in certain cases, judges are not allowed to decide the sentence of death	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

This proposal could impact small private probation businesses in §§559.016 & 559.600.

FISCAL DESCRIPTION

§§559.016 & 559.600 - Probation

This bill reduces the maximum term for probation for a misdemeanor or municipal ordinance violation to 18 months.

The bill prohibits a person sentenced to serve probation with a private entity providing probation services from being required to submit to drug or alcohol testing unless the person is on probation as a result of a drug or alcohol related offense or unless ordered by a judge for good cause shown.

§565.030 - Trial Procedures for Murder in the First Degree

Currently, if a jury cannot decide or agree upon a defendant's punishment upon conviction of first degree murder, the jury is instructed that the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the Governor or death. This bill removes death as an option for the court to declare as punishment in cases where the jury cannot decide or agree upon the punishment.

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

Office of the State Courts Administrator
Department of Health and Senior Services
Department of Corrections
Office of the State Public Defender
Office of the Attorney General
Office of Prosecution Services
Missouri Highway Patrol
Department of Revenue
Missouri Department of Transportation
Department of Mental Health
Springfield Police Department
Joplin Police Department
St. Louis County Department of Justice Services



Kyle Rieman
Director
May 1, 2019

Ross Strobe
Assistant Director
May 1, 2019