

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3178-03
Bill No.: SB 600
Subject: Crimes and Punishment
Type: Original
Date: January 10, 2020

Bill Summary: This proposal requires a term of imprisonment and prohibits the imposition of certain other punishments for second degree murder and certain dangerous felonies.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2030)
General Revenue	(\$465,986)	(\$1,074,606)	(\$1,612,889)	(\$5,745,999)
Total Estimated Net Effect on General Revenue	(\$465,986)	(\$1,074,606)	(\$1,612,889)	(\$5,745,999)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2030)
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2030)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2030)
General Revenue	-1 FTE	-3 FTE	-5 FTE	-5 FTE
Total Estimated Net Effect on FTE	-1 FTE	-3 FTE	-5 FTE	-5 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 2021	FY 2022	FY 2023	Fully Implemented (FY 2030)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§557.045 - Term of imprisonment

Officials from the **Department of Corrections (DOC)** state SB 600 amends chapter 557, RSMo, by adding section 557.045 which prohibits the eligibility of probation, suspended imposition (SIS) or execution of sentence (SES), or conditional release (CR) for second-degree murder and certain dangerous felonies. Section 557.045 states that no person, found guilty of, or pleading guilty to, second degree murder, any dangerous felony where the person has been previously found guilty of a class A or B felony or a dangerous felony, or any dangerous felony where the commission of the felony involves the use of a deadly weapon shall be eligible for probation, suspended imposition or execution of sentence, or conditional release, and shall be sentenced to a term of imprisonment pursuant to subdivision (1) of subsection 2 of section 557.011.

Murder 2nd Degree

In FY 2019, there were 110 new admissions for 2nd degree murder under class A felony, with an average sentence of 21.8 years and 17.6 years as a time for first release. There were four new probations with an average term of 4.5 years. After changes in this bill, no offenders convicted of second degree murder will be sentenced to probation or receive SIS, SES, or CR, and all offenders will serve their full sentence prior to release from prison. The cumulative impact over the 10-year scope of these changes could be 40 new admissions to prison and 18 fewer field supervision cases in FY 2030. The impact of this bill continues beyond this 10-year period, and should level off in FY 2042 with 76 new prison admissions and 7 fewer field supervision cases.

Change in prison admissions and probation openings with legislation

	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
New Admissions										
Current Law	110	110	110	110	110	110	110	110	110	110
After Legislation	114	114	114	114	114	114	114	114	114	114
Probation										
Current Law	4	4	4	4	4	4	4	4	4	4
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	-4	-4	-4	-4	-4	-4	-4	-4	-4	-4
Cumulative Populations										
Prison	4	8	12	16	20	24	28	32	36	40
Parole										
Probation	-4	-8	-12	-16	-18	-18	-18	-18	-18	-18
Impact										
Prison Population	4	8	12	16	20	24	28	32	36	40
Field Population	-4	-8	-12	-16	-18	-18	-18	-18	-18	-18
Population Change					2	6	10	14	18	22

ASSUMPTION (continued)

Dangerous Felony and Armed Criminal Action (ACA)

In FY 2019, there were 478 new admissions to prison associated with a dangerous felony sentence, with an average sentence of 14.0 years. Offenders with dangerous felony sentences who were released from prison for the first time in FY 2019 served, on average, 82% of their sentence prior to first release. As per this legislation, the prison term will be 100% of the length of the sentence for those offenders who have prior dangerous felony convictions.

Out of the 478 new prison admissions in FY2019:

- 50 had both an armed criminal action charge associated with their FY 2019 admission to prison and a prior conviction for either a dangerous felony or a class A or class B felony,
- 46 had a prior conviction for either a dangerous felony or a class A or class B felony and did not have an armed criminal action charge associated with their FY 2019 admission to prison, and
- 292 had an armed criminal action charge associated with their FY 2019 admission to prison and no prior conviction for either a dangerous felony or a class A or class B felony.

This legislation proposes that these 388 offenders will serve their entire sentence in prison. Therefore, DOC estimates that they will serve 14.0 years in prison instead of the 82% average to first release. Because of long-term sentence, the impact will not be observable within the 10-year scope of this note; however, DOC estimates that by the year 2034, there will be an addition of 660 new offenders in prison with an equivalent number of reductions in field population.

In FY 2019, there were 191 new court probations for dangerous felonies and ACA convictions, with an average sentence of 8.1 years. As per the proposed legislation, offenders with a prior conviction for either a dangerous felony or a class A or class B felony, or offenders with an armed criminal action charge associated with their FY 2019 probation case, will no longer be eligible for probation and their prison term will be 100% of the length of their sentence.

Out of the 191 new probation cases in FY 2019:

- 8 had both an armed criminal action charge associated with their FY 2019 probation sentences, and a prior conviction for either a dangerous felony or a class A or class B felony,
- 85 had a prior conviction for either a dangerous felony or a class A or class B felony and did not have an armed criminal action charge associated with their FY 2019 probation sentences.
- 1 had an armed criminal action charge associated with their FY 2019 probation sentence, and no prior conviction for either a dangerous felony or a class A or class B felony.

As per the proposed changes, these 94 offenders will be sentenced to prison rather than probation and serve sentences of 8.1 years. The cumulative impact of these changes could be 761 new admissions to prison and 282 fewer field supervisions cases in FY 2029.

ASSUMPTION (continued)

Change in prison admissions and probation openings with legislation

	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	94	94	94	94	94	94	94	94	94	94
Probation										
Current Law	191	191	191	191	191	191	191	191	191	191
After Legislation	97	97	97	97	97	97	97	97	97	97
Change (After Legislation - Current Law)										
Admissions	94	94	94	94	94	94	94	94	94	94
Probations	-94	-94	-94	-94	-94	-94	-94	-94	-94	-94
Cumulative Populations										
Prison	94	188	282	376	470	564	658	752	761	761
Parole										
Probation	-94	-188	-282	-282	-282	-282	-282	-282	-282	-282
Impact										
Prison Population	94	188	282	376	470	564	658	752	761	761
Field Population	-94	-188	-282	-282	-282	-282	-282	-282	-282	-282
Population Change				94	188	282	376	470	479	479

Combined Impact

The combined impact of proposed changes could be an additional 801 offenders in prison and 300 fewer offenders under supervision in the field by FY 2030. It should be noted that the estimated impact of this bill is nearly double what is presented here when projected over a period of more than ten years.

Change in prison admissions and probation openings with legislation

	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
New Admissions										
Current Law	498	498	498	498	498	498	498	498	498	498
After Legislation	596	596	596	596	596	596	596	596	596	596
Probation	0	0	0	0	0	0	0	0	0	0
Current Law	195	195	195	195	195	195	195	195	195	195
After Legislation	97	97	97	97	97	97	97	97	97	97
Change (After Legislation - Current Law)										
Admissions	98	98	98	98	98	98	98	98	98	98
Probations	-98	-98	-98	-98	-98	-98	-98	-98	-98	-98
Cumulative Populations										
Prison	98	196	294	392	490	588	686	784	797	801
Parole	0	0	0	0	0	0	0	0	0	0
Probation	-98	-196	-294	-298	-300	-300	-300	-300	-300	-300
Impact										
Prison Population	98	196	294	392	490	588	686	784	797	801
Field Population	-98	-196	-294	-298	-300	-300	-300	-300	-300	-300
Population Change	0	0	0	94	190	288	386	484	497	501

ASSUMPTION (continued)

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to Probation and Parole	Grand Total - Prison and Probation (includes a 2% inflation)
Year 1	98	(\$6,386)	(\$521,523)	(1)	\$55,537	(98)	(\$465,986)
Year 2	196	(\$6,386)	(\$1,276,689)	(3)	\$202,083	(196)	(\$1,074,606)
Year 3	294	(\$6,386)	(\$1,953,334)	(5)	\$340,445	(294)	(\$1,612,890)
Year 4	392	(\$6,386)	(\$2,656,535)	(5)	\$344,120	(298)	(\$2,312,414)
Year 5	490	(\$6,386)	(\$3,387,082)	(5)	\$347,839	(300)	(\$3,039,242)
Year 6	588	(\$6,386)	(\$4,145,788)	(5)	\$351,603	(300)	(\$3,794,185)
Year 7	686	(\$6,386)	(\$4,933,488)	(5)	\$355,419	(300)	(\$4,578,069)
Year 8	784	(\$6,386)	(\$5,751,037)	(5)	\$359,272	(300)	(\$5,391,765)
Year 9	797	(\$6,386)	(\$5,963,327)	(5)	\$363,178	(300)	(\$5,600,149)
Year 10	801	(\$6,386)	(\$6,113,121)	(5)	\$367,122	(300)	(\$5,745,998)

If this impact statement has changed from statements submitted in previous years, it is because the DOC has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2019, 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 2020 fiscal notes. 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 would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. 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 44 probation and parole districts.

The DOC cost of incarceration is \$17.496 per day or an annual cost of \$6,386 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)

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS.

Oversight notes the **Attorney General's Office**, the **Department of Public Safety - Missouri State Highway Patrol**, the **Office of State Courts Administrator**, and the **State Public Defender's Office** 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 in the fiscal note for these agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023	Fully Implemented (FY 2030)
GENERAL REVENUE				
<u>Savings - DOC - fewer P&P Officers</u>				
Personal Service	\$32,294	\$117,420	\$197,660	\$211,915
Fringe Benefits	\$20,350	\$73,992	\$124,555	\$133,538
Expense and Equipment	<u>\$2,893</u>	<u>\$10,671</u>	<u>\$18,230</u>	<u>\$21,669</u>
Total Savings - DOC	\$55,537	\$202,083	\$340,445	\$367,122
FTE Change - DOC	-1 FTE	-3 FTE	-5 FTE	-5 FTE
 <u>Costs - DOC (\$557.045)</u>				
Increased incarceration costs	<u>(\$521,523)</u>	<u>(\$1,276,689)</u>	<u>(\$1,953,334)</u>	<u>(\$6,113,121)</u>
 ESTIMATED NET EFFECT ON GENERAL REVENUE				
	<u>(\$465,986)</u>	<u>(\$1,074,606)</u>	<u>(\$1,612,889)</u>	<u>(\$5,745,999)</u>
 Estimated Net FTE Change for the General Revenue Fund				
	-1 FTE	-3 FTE	-5 FTE	-5 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023	Fully Implemented (FY 2030)
	<u>\$0</u>	<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 act provides that any person found guilty of, or pleading guilty to, the offenses of second degree murder, any dangerous felony involving a deadly weapon, or any dangerous felony where the person has been previously found guilty of a Class A or B felony or a dangerous felony shall not be eligible for probation, suspended imposition or execution of sentence, or a conditional release term, and shall be sentenced to a term of imprisonment.

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

Attorney General's Office
Department of Corrections
Department of Public Safety - Missouri State Highway Patrol
Missouri Office of Prosecution Services
Office of State Courts Administrator
State Public Defender's Office



Julie Morff
Director
January 10, 2020

Ross Strope
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January 10, 2020