

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4480S.01I  
Bill No.: SB 964  
Subject: Department of Corrections; Prisons and Jails; Probation and Parole  
Type: Original  
Date: March 4, 2022

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Bill Summary: This proposal modifies provisions relating to conditional release.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>Fully Implemented (FY 2028)</b>
General Revenue	\$0	\$0	\$0	(\$2,380,002)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$2,380,002)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>Fully Implemented (FY 2028)</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2028)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2028)
General Revenue	0 FTE	0 FTE	0 FTE	(5) FTE
<b>Total Estimated Net Effect on FTE</b>	<b>0 FTE</b>	<b>0 FTE</b>	<b>0 FTE</b>	<b>(5) FTE</b>

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2028)
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### **FISCAL ANALYSIS**

## ASSUMPTION

§§217.541, 217.705, 217.718, 217.730, 558.011, 558.026, 558.046, 570.030, and 571.015 – Conditional release

Officials from the **Department of Corrections (DOC)** state this proposal intends to remove the requirement for conditional releases of offenders as defined under section 558.011.

### **Operational Impact**

DOC evaluated first releases of offenders on conditional release and parole release during fiscal years 2017 through 2021. When offenders had multiple sentences associated with their first release, and possibly different release statuses associated with different sentences, for the purpose of this analysis they were only considered as a conditional release if all release statuses were conditional release. Otherwise, unless the offender was discharged from all sentences upon release or released to probation, they were classified as a parole release.

The sentence with the most serious felony class (and longest sentence length where multiple sentences of the same felony class were involved) was used to determine the additional time that would be spent in prison if offenders were not released on conditional release.

In FY 2021, 334 offenders were released on conditional release. The following table shows the difference in times between condition release dates and maximum discharge dates for those offenders broken down by sentence felony class.

Felony class	Releases	Average Sentence Length (Years)	Average Time Served (Years)	Difference
A	5	22.8	20.0	2.8
B	58	9.4	7.4	2.0
C	122	6.5	4.8	1.6
D	67	4.0	2.2	1.8
E	54	3.3	1.5	1.8
U	28	13.0	10.7	2.3
Total	334	6.8	4.9	1.8

Impact if offenders were released on maximum discharge date:

Based on this number of conditional releases in FY 2021, with an average sentence length of 6.8 years and average release time of 4.9 years, if all offenders who would have been released on conditional release were instead not released until their maximum discharge date, there could be up to an additional 635 offenders in prison and 635 fewer offenders under supervision in the field by FY 2029.

**Change in prison admissions and probation openings with legislation**

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
<b>New Admissions</b>										
Current Law	334	334	334	334	334	334	334	334	334	334
After Legislation	334	334	334	334	334	334	334	334	334	334
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
<b>Cumulative Populations</b>										
Prison					33	367	635	635	635	635
Parole					-33	-367	-635	-635	-635	-635
Probation										
<b>Impact</b>										
Prison Population					33	367	635	635	635	635
Field Population					-33	-367	-635	-635	-635	-635
<b>Population Change</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Impact if offenders were released one year prior to maximum discharge date:

If the 334 offenders released on conditional release in FY 2021 were instead released one year prior to their maximum discharge date (i.e., at 5.8 years instead of 4.9 years), there could be up to an additional 301 offenders in prison and 301 fewer offenders under supervision in the field by FY 2028.

## Change in prison admissions and probation openings with legislation

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
<b>New Admissions</b>										
Current Law	334	334	334	334	334	334	334	334	334	334
After Legislation	334	334	334	334	334	334	334	334	334	334
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
<b>Cumulative Populations</b>										
Prison					33	301	301	301	301	301
Parole					-33	-301	-301	-301	-301	-301
Probation										
<b>Impact</b>										
Prison Population					33	301	301	301	301	301
Field Population					-33	-301	-301	-301	-301	-301
<b>Population Change</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

	# to prison	Cost per year	Total Cost for prison	Change in probation & parole officers	Total savings for probation and parole	# to probation and parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	0	(\$8,255)	\$0	0	\$0	0	\$0
Year 2	0	(\$8,255)	\$0	0	\$0	0	\$0
Year 3	0	(\$8,255)	\$0	0	\$0	0	\$0
Year 4	0	(\$8,255)	\$0	0	\$0	0	\$0
Year 5	33	(\$8,255)	(\$294,871)	0	\$0	(33)	(\$294,871)
Year 6	301	(\$8,255)	(\$2,743,370)	(5)	\$363,368	(301)	(\$2,380,002)
Year 7	301	(\$8,255)	(\$2,798,238)	(5)	\$367,301	(301)	(\$2,430,937)
Year 8	301	(\$8,255)	(\$2,854,202)	(5)	\$371,274	(301)	(\$2,482,928)
Year 9	301	(\$8,255)	(\$2,911,287)	(5)	\$375,300	(301)	(\$2,535,987)
Year 10	301	(\$8,255)	(\$2,969,512)	(5)	\$379,365	(301)	(\$2,590,147)

If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$22.616 per day or an annual cost of \$8,255 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$88.12 per day or an

annual cost of \$32,162 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases 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.

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

Officials from the **Office of the State Courts Administrator** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

<u>FISCAL IMPACT</u> <u>– State</u> <u>Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2028)
<b>GENERAL REVENUE FUND</b>				
<u>Savings – DOC</u> (§558.011) p. 3-6 Change in P&P officers (fewer)				
Personal service	\$0	\$0	\$0	\$203,645
Fringe benefits	\$0	\$0	\$0	\$140,092
Equipment and expense	\$0	\$0	\$0	\$19,631
<u>Total savings -</u> <u>DOC</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$363,368</u>
FTE Change - DOC	0 FTE	0 FTE	0 FTE	(5) FTE
<u>FISCAL IMPACT</u> <u>– State</u> <u>Government</u> (continued)	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2028)
<u>Cost – DOC p. 3-6</u> <u>Increased</u> <u>incarceration costs</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$2,743,370)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>(\$2,380,002)</u></b>
Estimated Net FTE Change to the General Revenue Fund	0 FTE	0 FTE	0 FTE	(5) FTE

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2028)
	<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

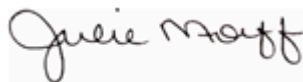
Under current law, a sentence of imprisonment for felonies other than dangerous felonies or a sentence of imprisonment for a person's fourth or subsequent remand to the Department of Corrections, shall consist of a prison term and a conditional release term.

This act provides that for offenses occurring on or after August 28, 2022, a sentence of imprisonment shall consist only of a prison term without eligibility for conditional release.

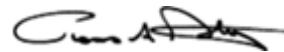
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections  
Office of the State Courts Administrator



Julie Morff  
Director  
March 4, 2022



Ross Strobe  
Assistant Director  
March 4, 2022