

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0569S.01I
Bill No.: SB 147
Subject: Probation and Parole; Prisons and Jails; Crimes and Punishment; Department of Corrections
Type: Original
Date: January 23, 2023

Bill Summary: This proposal modifies provisions relating to parole eligibility.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
General Revenue*	\$0 to \$189,980	\$0 to \$242,225	\$0 to \$247,069
Total Estimated Net Effect on General Revenue	\$0 to \$189,980	\$0 to \$242,225	\$0 to \$247,069

*The potential savings estimated by the Department of Corrections is for an additional 25 existing offenders eligible for release due to this proposal. The decision to release or not is with the Missouri Board of Probation and Parole; therefore, the fiscal impact is ranged from \$0 to the savings of 25 offenders being released.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on FTE	0	0	0

- 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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§217.697 – Parole eligibility

Officials from the **Department of Corrections (DOC)** state this section modifies provisions relating to parole eligibility. It amends chapter 217, RSMo, with the intention of authorizing the early parole of certain offenders over the age of sixty.

To estimate the potential impact on the department over the next ten years, offenders who meet the following criteria were identified as eligible for a parole hearing, and potential release, following passage of the proposal:

- Fifty-one years of age or older.
- Serving a sentence of life without parole for a minimum of 50 years under section 565.008
- Will be 60 years or older by the time they have served at least 30 years in prison
- No conviction for a dangerous felony
- No conviction for a sex offense
- No serious functional mental health impairment
- No institutional conduct violations in the last two years

The total potential impact on the department could be up to an additional 25 offenders eligible for release over the next ten fiscal years. It should be noted the sentence of life without parole for a minimum of 50 years is no longer an authorized disposition for criminal convictions. Therefore, the offenders who could potentially be impacted is static.

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
Possible Release	24	1	0	0	0	0	0	0	0	0
Total	24	25	25	25	25	25	25	25	25	25

The proposed legislation does not involve new admissions to prison or probation cases; therefore, the total cumulative impact on the offender population is reflected in the transfer of incarcerated offenders to the field population.

Change in prison admissions and probation openings with legislation

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
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	-24	-25	-25	-25	-25	-25	-25	-25	-25	-25
Parole	24	25	25	25	25	25	25	25	25	25
Probation	0	0	0	0	0	0	0	0	0	0
Impact										
Prison Population	-24	-25	-25	-25	-25	-25	-25	-25	-25	-25
Field Population	24	25	25	25	25	25	25	25	25	25
Population Change	0	0	0	0	0	0	0	0	0	0

As this statute only states these offenders would become eligible to receive a parole hearing once the listed criteria is met, release would still be a decision for the Parole Board to make. Therefore, the impact could be none, should they choose not to release any additional offenders, all the way up to the above stated impact.

	# to prison	Cost per year	Total Savings for prison	Change in for probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	(24)	(\$9,499)	\$189,980	0	\$0	24	\$189,980
Year 2	(25)	(\$9,499)	\$242,225	0	\$0	25	\$242,225
Year 3	(25)	(\$9,499)	\$247,069	0	\$0	25	\$247,069
Year 4	(25)	(\$9,499)	\$252,010	0	\$0	25	\$252,010
Year 5	(25)	(\$9,499)	\$257,051	0	\$0	25	\$257,051
Year 6	(25)	(\$9,499)	\$262,192	0	\$0	25	\$262,192
Year 7	(25)	(\$9,499)	\$267,435	0	\$0	25	\$267,435
Year 8	(25)	(\$9,499)	\$272,784	0	\$0	25	\$272,784
Year 9	(25)	(\$9,499)	\$278,240	0	\$0	25	\$278,240
Year 10	(25)	(\$9,499)	\$283,805	0	\$0	25	\$283,805

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 \$26.024 per day or an annual cost of \$9,499 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 \$87.46 per day or an annual cost of \$31,921 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 a range of \$0 (no parole granted) to DOC’s impact for fiscal note purposes.

Officials from the **Missouri Department of Transportation** and the **Office of the Governor** 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.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
GENERAL REVENUE			
<u>Savings</u> – DOC (\$217.697) Potential decreased incarceration costs p. 3-5	<u>\$0 to \$189,980</u>	<u>\$0 to \$242,225</u>	<u>\$0 to \$247,069</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 to \$189,980</u>	<u>\$0 to \$242,225</u>	<u>\$0 to \$247,069</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
	<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 an offender shall be eligible to receive a parole hearing after serving 30 years or more of his or her sentence if such offender:

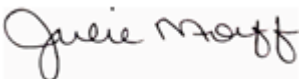
- Is incarcerated in a correctional facility after being sentenced by a court;
- Is serving a sentence of life without parole for the offense of first or second degree murder prior to October 1, 1984;
- Is 60 years of age or older;
- Has no felony convictions prior to the conviction for which they are currently incarcerated; and
- Is not a convicted sex offender.

During the parole hearing, the parole board shall determine if there is a reasonable probability the offender will not violate the law upon release. If the board determines a reasonable probability exists, the offender shall be eligible for release upon a finding that the offender has a record of good conduct while incarcerated, demonstrated self-rehabilitation, developed a workable parole plan, and has a risk factor and mental health score determined appropriate by the board. Any offender released under this act shall be subject to a minimum of five years of supervision by the board.

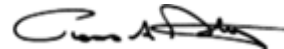
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Missouri Department of Transportation
Office of the Governor



Julie Morff
Director
January 23, 2023



Ross Strobe
Assistant Director
January 23, 2023