

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0870S.05P
 Bill No.: Perfected SS No. 3 for SB 22
 Subject: Criminal Procedure; Probation and Parole; Prisons and Jails; Department of Corrections; Crimes and Punishment; Children and Minors
 Type: Original
 Date: March 28, 2023

Bill Summary: This proposal modifies provisions relating to criminal procedures involving juveniles.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
General Revenue*	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue	(Unknown)	(Unknown)	(Unknown)

*Oversight assumes the fiscal impact could possibly exceed the \$250,000 threshold. Oversight notes to reach the \$250,000 threshold, an additional 27 prisoners would be required to remain in prison at the estimated incarceration rate of \$9,499 per year per prisoner. Oversight assumes possibly more than that number will be retained in prison because of this bill by FY 2026.

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

§§211.071, 211.600, and 217.345 – Certification of juveniles for trial as adults

Officials from the **Department of Corrections (DOC)** assume this proposal modifies provisions relating to criminal procedures involving juveniles.

It is unknown how many juveniles will be transferred to a court of general jurisdiction and it is unknown the number of those convicted of armed criminal action; therefore, the DOC will have to assume an unknown fiscal impact.

In response to similar legislation from 2023 (SB 406), officials from the **Office of State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to similar legislation from 2023 (SB 406), officials from the **Office of the State Public Defender** and the **Missouri Office of Prosecution Services** each assumed the proposal will have no 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.

Oversight notes the number of juveniles certified to adult court over the last 5 years:

<u>JUVENILE CASES DISPOSED BY DISPOSITION</u>						
	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>5yr. Avg.</u>
Certified to Adult Court	36	32	48	41	60	43
Source: Table 56 of OSCA's Annual Report Supplement						

§217.690 – Eligibility for parole

DOC states this proposal modifies provisions relating to eligibility for parole. It adds language that excludes offenders with a conviction of murder in the second degree for an offense committed when under the age of 18 years from consideration for parole after serving fifteen years of incarceration.

The intent of the bill is to require offenders with a conviction of murder in the second degree for an offense committed when under the age of 18 years to serve a longer period of incarceration prior to consideration for parole.

There are currently 190 offenders in prison who are both: 1) incarcerated only on a sentence, or a combination of sentences, for offenses committed when they were less than 18 years, and 2) serving a sentence for a conviction of murder in the second degree. Of those 190 offenders, 13 are excluded from consideration for having a prior release from prison. Of the remaining 177 offenders, 55 have been incarcerated for 15 years or more. Given the parole board is currently reviewing these cases, DOC assumes the passage of this proposal would result in these 55 individuals remaining in prison. It is unknown what fiscal impact this will have, as there is no way to determine how many of these individuals would have been denied parole by the board in any case and, therefore, how many offenders this change would truly be affecting.

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

In response to a previous version, officials from the **Office of the State Courts Administrator** assumed 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 OSCA for this section of the proposal.

Bill as a Whole

Officials from the **Attorney General’s Office**, the **Department of Public Safety – Missouri Highway Patrol**, the **Department of Social Services**, and the **Missouri Department of Transportation** assume the proposal will have no 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 2024	FY 2025	FY 2026
GENERAL REVENUE			
<u>Cost – DOC (§§211.071 and 217.345)</u> Potential increase in incarceration costs p. 3	(Unknown)	(Unknown)	(Unknown)
<u>Cost – DOC (§217.690) Change in</u> parole eligibility p. 3-4	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	(Unknown)	(Unknown)	(Unknown)

<u>FISCAL IMPACT – Local Government</u>	FY 2024	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

CERTIFICATION OF JUVENILES FOR TRIAL AS ADULTS (Sections 211.071, 211.600, and 217.345)

Under current law, a child between the ages of 12 and 18 may be certified for trial as an adult for a certain felony offenses. This act changes the ages to between 14 and 18 years old.

Additionally, under current law, a court shall order a hearing to determine whether a child should be certified for trial as an adult for certain offenses. This act adds that a child between 12 and 18 years old shall have a certification hearing for certain offenses. This act also adds dangerous felonies to such offenses.

This act provides that the Office of State Courts Administrator shall collect certain information as provided in the act relating to petitions to certify juveniles as adults.

Finally, this act modifies provisions relating to correctional treatment programs for offenders 18 years of age or younger. Such programs shall include physical separation from offenders younger than 18 years of age and shall include education programs that award high school diplomas or its equivalent.

These provisions contain an emergency clause.

ELIGIBILITY FOR PAROLE (Section 217.690)

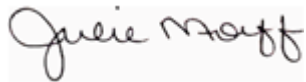
Under current law, when a person under the age of 18 is sentenced to a term or terms of imprisonment amounting to 15 years or more, that person is eligible for parole after serving 15 years, unless such person was found guilty of murder in the first degree.

This act adds that such a person will also be ineligible for parole if he or she was found guilty of murder in the second degree when such person knowingly causes the death of another person.

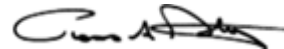
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

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



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