

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1071S.01I
 Bill No.: SB 153
 Subject: Probation and Parole; Department of Corrections; Crimes and Punishment; Drugs and Controlled Substances
 Type: Original
 Date: February 17, 2023

Bill Summary: This proposal modifies provisions relating to minimum prison terms.

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 exceed \$250,000. 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 cost per year per prisoner.

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

§558.019 – Minimum prison terms

Officials from the **Department of Corrections (DOC)** state the proposed legislation modifies section 558.019 so that people with a conviction for a felony offense prior to August 28, 2019, who are admitted to prison and have a prior prison commitment are required to serve 40% of a sentence if they have one prior prison commitment, 50% of a sentence if they have two prior prison commitments and 80% of a sentence if they have three prior prison commitments. They must also complete educational and vocational training prior to being considered for release at the time of the completion of the minimum prison term. The bill also requires offenders with drug-related offenses to complete long-term treatment prior to being considered for release given the above criteria. Certain sex offenders would be required to serve one hundred percent of any sentence imposed in prison.

Subsection 6 states the provisions of this section shall now apply to offenses occurring prior to August 28, 2019. The department assumes this subsection makes the new provisions of this legislation retroactive. Under this subsection, the department would recalculate the sentences of many of the offenders who have been committed to the department's custody in that timeframe. In addition, many of those offenders have already completed their sentence and have been discharged from custody. The department is unsure how to calculate a possible impact from those fully discharged sentences. Therefore, this subsection could result in a significant unknown fiscal impact to the department.

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

Officials from the **Missouri Department of Transportation**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, and the **Office of the State Public Defender** 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 organizations.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
GENERAL REVENUE			
<u>Cost – DOC (§558.019) Minimum prison terms p. 3</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</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

Under current law, an offender who was convicted of certain nonviolent felonies as provided in law were not subject to minimum prison terms and were eligible for parole or early release.

This act provides that such offenders shall only be eligible for parole if he or she:

- Completes the drug treatment program provided by the Department of Corrections for the treatment of chronic nonviolent offenders with serious substance abuse addictions;
- Completes the education program established by the Department of Corrections;
- Completes a job training or educational program provided by the Department of Corrections;
- and
- Passes a drug test before he or she is released.

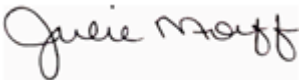
Additionally, this act provides that no person convicted of a sexually violent crime shall be eligible for probation or parole.

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

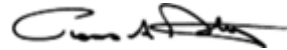
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SOURCES OF INFORMATION

Department of Corrections
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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February 17, 2023



Ross Strobe
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