

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3607S.01I
 Bill No.: SB 1218
 Subject: Crimes and Punishment; Prisons and Jails; Probation and Parole; Department
 Corrections
 Type: Original
 Date: January 18, 2024

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
General Revenue*	\$0 to \$642,688	\$0 to \$835,205	\$0 to \$1,012,998	\$0 to \$2,235,220
Total Estimated Net Effect on General Revenue	\$0 to \$642,688	\$0 to \$835,205	\$0 to \$1,012,998	\$0 to \$2,235,220

*Oversight notes the decision to release an offender is still with the Missouri Board of Probation and Patrol; therefore, the fiscal impact is ranged from \$0 to the savings of up to 224 fewer people in prison by FY 2034.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
Total Estimated Net Effect on <u>Other State Funds</u>	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
Total Estimated Net Effect on All Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
General Revenue*	0 or 1 FTE	0 to 2 FTE	0 to 2 FTE	0 to 4 FTE
Total Estimated Net Effect on FTE	0 or 1 FTE	0 to 2 FTE	0 to 2 FTE	0 to 4 FTE

*Represents an increase in probation and parole officers if additional offenders are released from prison.

- 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 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§217.697 – Parole eligibility

Officials from the **Department of Corrections (DOC)** state this proposal creates provisions relating to parole eligibility. Section 217.697 subsection 1 provides conditions to be considered including age, time served, and the absence of first-degree murder felony conviction. Subsection 2 provides the eligibility conditions that must be met for release.

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:

- 65 years of age or older
- Will be 65 years of age or older by the time they have served at least 30 years in prison
- No felony conviction for the offense of murder in the first degree under section 565.020
- No serious functional mental health impairment (a mental health score of one, two, or three)
- No institutional conduct violations in the last two years

The total potential impact on the department could be up to an additional 224 offenders eligible for release over the next ten fiscal years.

Initial Hearings	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
Possible Release	89	13	15	18	14	12	24	11	9	19
Total	89	102	117	135	149	161	185	196	205	224

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
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	-89	-102	-117	-135	-149	-161	-185	-196	-205	-224
Parole	89	102	117	135	149	161	185	196	205	224
Probation	0	0	0	0	0	0	0	0	0	0
Impact										
Prison Population	-89	-102	-117	-135	-149	-161	-185	-196	-205	-224
Field Population	89	102	117	135	149	161	185	196	205	224
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, or the impact could be up to 224 fewer people in prison.

	# to prison	Cost per year	Total Savings for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation and parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	(89)	(\$9,689)	\$718,601	1	(\$75,913)	89	\$642,688
Year 2	(102)	(\$9,689)	\$1,008,044	2	(\$172,839)	102	\$835,205
Year 3	(117)	(\$9,689)	\$1,179,411	2	(\$166,413)	117	\$1,012,998
Year 4	(135)	(\$9,689)	\$1,388,076	2	(\$168,184)	135	\$1,219,892
Year 5	(149)	(\$9,689)	\$1,562,665	2	(\$169,979)	149	\$1,392,686
Year 6	(161)	(\$9,689)	\$1,722,288	3	(\$266,897)	161	\$1,455,391
Year 7	(185)	(\$9,689)	\$2,018,607	3	(\$260,444)	185	\$1,758,163
Year 8	(196)	(\$9,689)	\$2,181,405	3	(\$263,230)	196	\$1,918,175
Year 9	(205)	(\$9,689)	\$2,327,203	4	(\$364,795)	205	\$1,962,408
Year 10	(224)	(\$9,689)	\$2,593,752	4	(\$358,532)	224	\$2,235,220

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 \$26.545 per day or an annual cost of \$9,689 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 \$99.90 per day or an annual cost of \$36,464 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** each 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</u> <u>– State</u> <u>Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
GENERAL REVENUE				
<u>Savings</u> – DOC (\$217.697) Potential decreased incarceration costs	\$0 to \$718,601	\$0 to \$1,008,044	\$0 to \$1,179,411	\$0 to \$2,593,752
<u>Cost</u> - DOC (\$217.697)	\$0 to...	\$0 to...	\$0 to...	\$0 to...
Personal services	(\$37,819)	(\$91,672)	(\$92,590)	(\$198,536)
Fringe benefits	(\$27,175)	(\$65,872)	(\$66,531)	(\$142,661)
Exp. & Equip.	(\$10,919)	(\$15,295)	(\$7,292)	(\$17,335)
Total Cost - DOC	(\$75,913)	(\$172,839)	(\$166,413)	(\$358,532)
FTE Change - DOC	0 or 1 FTE	0 to 2 FTE	0 to 2 FTE	0 to 4 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0 to</u> <u>\$642,688</u>	<u>\$0 to</u> <u>\$835,205</u>	<u>\$0 to</u> <u>\$1,012,998</u>	<u>\$0 to</u> <u>\$2,235,220</u>
Estimated Net FTE Change on General Revenue	0 or 1 FTE	0 to 2 FTE	0 to 2 FTE	0 to 4 FTE

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
	<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 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 65 years of age or older; and
- Has no felony convictions for the offense of murder in the first degree.

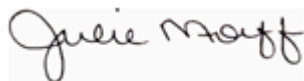
During the parole hearing, the parole board shall determine if there is a reasonable probability the offender will not violate the law upon release. If the board determines a reasonable probability exists, the offender shall be eligible for release upon a find that the offender has a record of good conduct while incarcerated, demonstrated self-rehabilitation, developed a workable parole plan, and has a risk factor and mental health score as provided in the act.

Any offender released under this act shall be subject to a minimum of five years of supervision by the board. If the board does not grant parole to an offender who qualifies under this act, the offender shall be eligible for a parole reconsideration hearing every two years until a presumptive release date is established.

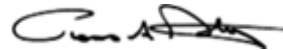
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Missouri Department of Transportation
Office of the Governor



Julie Morff
Director
January 18, 2024



Ross Strobe
Assistant Director
January 18, 2024