

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0049S.01I
 Bill No.: SB 378
 Subject: Department of Corrections; Prisons and Jails; Attorney General; Boards, Commissions, Committees, and Councils; Crimes and Punishment; Probation and Parole; Law Enforcement Officers and Agencies
 Type: Original
 Date: March 24, 2025

Bill Summary: This proposal creates provisions relating to oversight of Department of Corrections' facilities.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue	(Unknown, greater than \$500,000)	(Unknown, greater than \$500,000)	(Unknown, greater than \$500,000)
Total Estimated Net Effect on General Revenue	(Unknown, greater than \$500,000)	(Unknown, greater than \$500,000)	(Unknown, greater than \$500,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
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 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue	Unknown	Unknown	Unknown
Total Estimated Net Effect on FTE	Unknown	Unknown	Unknown

- 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 2026	FY 2027	FY 2028
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§217.950, 217.955, 217.960, 217.965, and 217.970 – Office of State Ombudsman

Officials from the **Department of Corrections (DOC)** state this proposal creates provisions relating to oversight of the Department of Corrections' facilities.

In 217.955, the proposed legislation establishes the Office of State Ombudsman for Inmates in the Custody of the Department of Corrections to assure adequacy of care received by inmates and to improve quality of life experienced by them.

There is the potential for significant fiscal and operational impact to the department in the tracking and reporting of information currently not captured that may be requested, as well as time needed to respond to inquiries made by the Office of State Ombudsman. There is no way of knowing exactly how many additional FTE will be required to fulfill these duties; therefore, the fiscal impact to the department is an unknown cost to exceed \$250,000.

DOC states the language states the Office of the Ombudsman will be an independent office from the department of corrections. It will have its own budget and oversee all operations of the office separate from the DOC. As this is establishing an independent office separate from the department of corrections, the DOC is unable to provide fiscal impact to the creation of this office and its operations in regard to FTE, IT costs or leasing property.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's (unknown, greater than \$250,000) impact for the tracking and reporting of information as well as time needed to respond to inquiries made by the Office of State Ombudsman.

Oversight notes based on the provisions of the proposal, that the Office of State Corrections Ombudsperson would require an unknown number of employees and office space to fulfil the duties outlined in the legislation. Therefore, Oversight will reflect an unknown cost greater than \$250,000 which includes FTE, fringe benefits, and E/E associated with this proposal.

In response to similar legislation from 2024 (SB 798), officials from the **Office of Attorney General (AGO)** assumed any potential litigation costs arising from this proposal can be absorbed with existing resources. However, the AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Office of the Governor (GOV)** state this bill adds to the Governor’s current load of appointment duties. Individually, additional requirements should not fiscally impact the Office of the Governor. However, the cumulative impact of additional appointment duties across all enacted legislation may require additional resources for the Office of the Governor.

Officials from the **Missouri House of Representatives** and **Missouri Senate** 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 – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
GENERAL REVENUE			
<u>Cost – DOC (§§217.950 through 217.970) Tracking and reporting of information; respond to inquires</u>	(Unknown, could exceed \$250,000)	(Unknown, could exceed \$250,000)	(Unknown, could exceed \$250,000)
<u>Cost – Office of State Corrections Ombudsperson (§§217.950 through 217.970) FTE, fringe benefits, E/E</u>	(Unknown, could exceed \$250,000)	(Unknown, could exceed \$250,000)	(Unknown, could exceed \$250,000)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown, greater than \$500,000)</u>	<u>(Unknown, greater than \$500,000)</u>	<u>(Unknown, greater than \$500,000)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
	<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 establishes within the Department of Corrections the "Office of State Ombudsman for Inmates in the Custody of the Department of Corrections" for the purpose of helping to ensure the adequacy of care received by inmates and to improve the quality of life experienced by them. The Office shall establish and implement procedures for receiving, processing, responding to,

and resolving complaints made by or on behalf of inmates in the custody of the Department as well as establish procedures for the resolution of complaints. The Office shall be directed by an Ombudsman, who shall be appointed by the Governor and serve a 6-year term. The Ombudsman shall not be a current or former Department employee or have a spouse, child, or parent as a current or former Department employee.

This act provides that the Office shall have the authority to:

- Provide information to inmates, family members and representative of inmates, and others regarding the rights of inmates;
- Monitor conditions of confinement and assess whether the Department is in compliance with federal, state, and Department regulations;
- Establish a state-wide reporting system to collect data related to complaints received by the Department; and
- Monitor all decisions of the parole board.

The Office shall have reasonable access to all Department facilities, including all areas which are accessible to inmates, and access to programs for inmates at reasonable times. The Office shall have the authority to interview any inmates, Department employees or contractors, or any other person. The Office shall have the authority to copy documents in the possession or control of the Department that the Office considers necessary in an investigation of a complaint and the Department shall provide such documents no later than 30 days after the Office's written request. If the records relate to an inmate death, threat of death, sexual assault, or the denial of necessary medical treatment, the records shall be provided within 5 days, unless a waiver is provided by the Office to the Department. The Office shall establish confidentiality rules and procedures for all information maintained by the Office to ensure that the identity of a complainant is not known to Department employees or other inmates.

The Office shall conduct at least one inspection each year of each Department facility and at least two times each year for each maximum-security facility to monitor the status of all covered issues as defined in this act. The Office shall release a public report of each inspection. An inspection of a Department facility shall include an assessment of the following:

- All policies and procedures related to the care of inmates;
- Conditions of confinement;
- Availability of educational and rehabilitative programming, drug and mental health treatment, and inmate job training;
- All policies and procedures related to visitation;
- All procedures and policies of medical facilities;
- Review of lock-downs at the facility in the time since the last inspection;
- Review of staffing at the facility;
- Review of physical and sexual assaults at the facility;
- Review of any inmate or staff deaths; and
- Review of staff recruitment for the Department.

Upon completion of the inspection, the Office shall produce a public report, with information as provided in the act, on its website, and deliver the report to the Governor, Attorney General, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Director of the Department of Corrections. The Department shall then submit a report to the Office within 30 days of the Office's inspection report which shall include a corrective action plan for each recommendation of the Office.

This act also provides that the Office may initiate and attempt to resolve an investigation upon its own initiative or upon receipt of a complaint from an inmate, the inmate's family or representative, or a Department employee, regarding violations as provided in the act.

The Office may decline to investigate any complaint and shall decline a complaint if the inmate has failed to first utilize Department grievance policies. The Office shall notify the complainant if it does not investigate a complaint. The Office may not investigate any complaints relating to an inmate's underlying criminal conviction and may refer any complaint to another state or federal agency.

At the conclusion of an investigation, the Office must render a public decision within 90 days of the filing of the complaint, except that the documents supporting the decision are subject to the confidentiality procedures established by the Office. The Office shall give a decision in writing to the inmate and to the Department. The Office shall give its recommendations for further action if needed. The Department shall give a report upon request to the Office within thirty days of any action taken on the Office's recommendations or the reasons for not complying with the recommendations. If the Office finds that there has been a significant inmate health or safety issue, the Office shall report such findings to the Governor, the Attorney General, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Director of the Department of Corrections.

Finally, the Department and its employees shall not discharge, retaliate against, or in any manner discriminate against any person because such person has filed any complaint or instituted any proceeding under this act. A complaint may be filed with the Attorney General, within 30 days after a violation occurs, for any alleged discharge or retaliation against a complainant. There shall be a rebuttable presumption of retaliation if the complainant has suffered abuse or any other violation after he or she filed a complaint under this act.

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
Missouri House of Representatives

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Missouri Senate
Office of the Governor



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Director
March 24, 2025



Jessica Harris
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March 24, 2025