

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0097S.01I
 Bill No.: SB 449
 Subject: Crimes and Punishment; Probation and Parole; Department of Corrections; Prisons and Jails
 Type: Original
 Date: February 24, 2025

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2042)
General Revenue*	\$0	\$0	\$0	(\$104,213,520)
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0	(\$104,213,520)

*Oversight notes the impact of this legislation is outside of the 10-year reporting time frame. DOC estimates the impact following the ten-year time frame could be (\$4,132,107) in FY 2040; (\$18,081,069) in FY 2041; (\$104,213,520) in FY 2042; and (\$106,336,999) in FY 2043. Should this legislation pass, it could result in a significant increase in prison population and require the DOC to reopen housing units or build a new facility.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2042)
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2042)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2042)
General Revenue	0 FTE	0 FTE	0 FTE	(42) FTE
Total Estimated Net Effect on FTE	0 FTE	0 FTE	0 FTE	(42) FTE

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	Fully Implemented (FY 2042)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§558.019 – Minimum prison terms

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to minimum prison terms. The bill modifies section 558.019 by removing references to prior commitment counts and requiring all people with a commitment to prison on an offense identified in subsection 2 to serve a minimum prison term of at least eighty percent of applicable sentences until age 70, beyond which the minimum prison term is reduced to forty percent of applicable sentences.

Under current law, offenders subject to a minimum prison term per 558.019, subsection 2, subdivisions 1, 2, and 3 receive a 40% minimum on their first commitment, 50% minimum on their second commitment and 80% minimum on their third commitment, unless the offender attains the age of 70 prior to the applicable percentage, at which time the minimum percentage is reduced as required by the aforementioned subdivisions. This legislation would establish an 80% minimum prison term for any offender whose sentence is subject to a minimum prison term per 558.019, subsection 2, unless the offender attains the age of 70 prior to serving 80% provision, at which time the minimum prison term reduces to 40%.

There were 1,136 offenders admitted to prison during FY 2024 on at least one sentence identified in subsection 2 of section 558.019. The average length of the sentence cycles for these offenders (after taking into account designations of concurrent and consecutive terms) was 19.9 years, with the expected average time to first release from prison being 12.2 years under current legislation and 15.0 years under the proposed legislation.

Given the relatively long length of these sentence cycles, DOC estimates no impact within the first 14 years. DOC expects to start to see the impact on offender populations in FY 2040 with an increase in the prison population of approximately 341 offenders. DOC estimates the cumulative impact to be an additional 2,158 offenders in prison and 2,158 fewer offenders on community supervision by FY 2042.

Change in prison admissions and probation openings with legislation

	FY2034	FY2035	FY2036	FY2037	FY2038	FY2039	FY2040	FY2041	FY2042	FY2043
New Admissions										
Current Law	1,136	1,136	1,136	1,136	1,136	1,136	1,136	1,136	1,136	1,136
After Legislation	1,136	1,136	1,136	1,136	1,136	1,136	1,136	1,136	1,136	1,136
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						341	1,477	2,158	2,158	
Parole						-341	-1,477	-2,158	-2,158	
Probation										
Impact										
Prison Population						341	1,477	2,158	2,158	
Field Population						-341	-1,477	-2,158	-2,158	
Population Change										

The impact of this legislation is outside of the 10-year reporting time-frame; therefore, the department will assume no impact from FY 2026 thru FY 2039. The estimated impact following the ten-year time frame could be (\$4,132,107) in FY 2040; (\$18,081,069) in FY 2041; (\$104,213,520) in FY 2042; and (\$106,336,999) in FY 2043. Should this legislation pass, it could result in a significant increase in prison population and require the DOC to reopen housing units or build a new facility.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's 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** 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 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2042)
GENERAL REVENUE				
<u>Savings</u> – DOC (§558.019)				
Personal Service	\$0	\$0	\$0	\$2,306,514
Fringe Benefits	\$0	\$0	\$0	\$1,702,180
Exp. & Equip.	\$0	\$0	\$0	\$177,583
<u>Total Savings</u> - DOC	\$0	\$0	\$0	\$4,186,277
FTE Change - DOC	0 FTE	0 FTE	0 FTE	(42) FTE
<u>Cost</u> – DOC (§558.019) Increased incarceration costs	\$0	\$0	\$0	(\$108,399,797)
ESTIMATED NET EFFECT ON GENERAL REVENUE	\$0	\$0	\$0	(\$104,213,520)
Estimated Net FTE Change on General Revenue	0 FTE	0 FTE	0 FTE	(42) FTE

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2042)
	\$0	\$0	\$0	\$0

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

MINIMUM PRISON TERMS (Section 558.019)

Under current law, certain felony offenses require minimum prison terms if the offender is a prior offender. This act repeals those provisions and requires that any person who is found guilty of certain felony offenses shall serve 80% of his or her term of imprisonment.

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

SOURCES OF INFORMATION

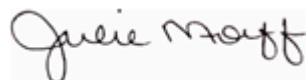
Department of Corrections

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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