

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0098S.01I  
 Bill No.: SB 281  
 Subject: Department of Corrections; Crimes and Punishment; Firearms; Prisons and Jails;  
 Probation and Parole; Weapons  
 Type: Original  
 Date: February 24, 2025

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

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>  |            |            |            |                             |
|--|------------|------------|------------|-----------------------------|
| FUND AFFECTED  | FY 2026    | FY 2027    | FY 2028    | Fully Implemented (FY 2039) |
| General Revenue*                                     | \$0        | \$0        | \$0        | (\$165,277,556)             |
| <b>Total Estimated Net Effect on General Revenue</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>(\$165,277,556)</b>      |

\*Oversight notes the impact of this legislation is outside the ten-year time frame. DOC estimates the impact following the ten-year time frame could be (\$101,264,164) in FY 2038; (\$165,277,556) in FY 2039; and (\$168,647,381) in FY 2040. Should this legislation pass, it could result in a significant increase in the prison population and require the DOC to reopen housing units or build a new facility.

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>       |            |            |            |                             |
|--|------------|------------|------------|-----------------------------|
| FUND AFFECTED  | FY 2026    | FY 2027    | FY 2028    | Fully Implemented (FY 2039) |
|  |            |            |            |                             |
| <b>Total Estimated Net Effect on Other State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b>                  |

Numbers within parentheses: () indicate costs or losses.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |            |            |            |                             |
|---|------------|------------|------------|-----------------------------|
| FUND AFFECTED   | FY 2026    | FY 2027    | FY 2028    | Fully Implemented (FY 2039) |
|   |            |            |            |                             |
|   |            |            |            |                             |
| <b>Total Estimated Net Effect on <u>All</u> Federal Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b>                  |

| <b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b> |              |              |              |                             |
|---|--------------|--------------|--------------|-----------------------------|
| FUND AFFECTED   | FY 2026      | FY 2027      | FY 2028      | Fully Implemented (FY 2039) |
| General Revenue   | 0 FTE        | 0 FTE        | 0 FTE        | (71) FTE                    |
|   |              |              |              |                             |
| <b>Total Estimated Net Effect on FTE</b>                  | <b>0 FTE</b> | <b>0 FTE</b> | <b>0 FTE</b> | <b>(71) FTE</b>             |

- 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.

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |            |            |            |                             |
|--|------------|------------|------------|-----------------------------|
| FUND AFFECTED                              | FY 2026    | FY 2027    | FY 2028    | Fully Implemented (FY 2039) |
|  |            |            |            |                             |
|  |            |            |            |                             |
| <b>Local Government</b>                    | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b>                  |

## FISCAL ANALYSIS

### ASSUMPTION

#### §§558.019, 566.030, 566.151, and 571.015 – Minimum prison terms

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to minimum prison terms. The bill adds 566.030 and 566.151 to the list of sections excluded from minimum prison terms as outlined under section 558.019, and adds language to sections 566.030, 566.151, and 571.015 that requires people to serve one hundred percent of the sentences imposed under those sections.

The bill modifies section 558.019 to require people with no prior prison commitment to serve a minimum prison term of 75% of applicable sentences, and to require people with one or more prior prison commitments to serve a minimum prison term of 80% of applicable sentences. The bill also removes language that reduces minimum prison terms for people over certain ages.

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 a 75% minimum prison term for any offender whose sentence is subject to a minimum prison term per 558.019, subsection 1, and an 80% minimum prison term for any offender whose sentence is subject to a minimum prison term per 558.019, subsection 2.

There were 2,273 offenders admitted to prison during FY 2024 on at least one sentence that was a new court commitment either under section 566.030, 565.151 or 571.015, or that would have a minimum prison term under section 558.019 according to the proposed legislation. The average length of the sentence cycles for these offenders (after taking into account designations of concurrent and consecutive terms) was 16.3 years, with the expected average time to first release from prison being 9.9 years under current legislation and 12.2 years under the proposed legislation.

Given the relatively long length of these sentence cycles, DOC estimates no impact within the first 12 years. DOC expects to start to see the impact on offender populations in FY 2038 with an increase in the prison population of approximately 2,273 offenders. DOC estimates the cumulative impact to be an additional 3,637 offenders in prison and 3,637 fewer offenders on community supervision by FY 2039.

Change in prison admissions and probation openings with legislation

|   | FY2031 | FY2032 | FY2033 | FY2034 | FY2035 | FY2036 | FY2037 | FY2038 | FY2039 | FY2040 |
|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| <b>New Admissions</b>                           |        |        |        |        |        |        |        |        |        |        |
| Current Law                                     | 2,273  | 2,273  | 2,273  | 2,273  | 2,273  | 2,273  | 2,273  | 2,273  | 2,273  | 2,273  |
| After Legislation                               | 2,273  | 2,273  | 2,273  | 2,273  | 2,273  | 2,273  | 2,273  | 2,273  | 2,273  | 2,273  |
| <b>Probation</b>                                |        |        |        |        |        |        |        |        |        |        |
| Current Law                                     | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      |
| After Legislation                               | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      |
| <b>Change (After Legislation - Current Law)</b> |        |        |        |        |        |        |        |        |        |        |
| Admissions                                      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      |
| Probations                                      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      |
| <b>Cumulative Populations</b>                   |        |        |        |        |        |        |        |        |        |        |
| Prison  | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 2,273  | 3,637  | 3,637  |
| Parole  | 0      | 0      | 0      | 0      | 0      | 0      | 0      | -2,273 | -3,637 | -3,637 |
| Probation                                       | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      |
| <b>Impact</b>                                   |        |        |        |        |        |        |        |        |        |        |
| Prison Population                               | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 2,273  | 3,637  | 3,637  |
| Field Population                                | 0      | 0      | 0      | 0      | 0      | 0      | 0      | -2,273 | -3,637 | -3,637 |
| <b>Population Change</b>                        | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      |

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 2037. The estimated impact following the ten-year time frame could be (\$101,264,164) in FY 2038; (\$165,277,556) in FY 2039; and (\$168,647,381) in FY 2040. Should this legislation pass, it could result in a significant increase in the 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 **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 –<br/>State Government</u>  | FY 2026<br>(10 Mo.) | FY 2027           | FY 2028           | Fully<br>Implemented<br>(FY 2039) |
|--|---------------------|-------------------|-------------------|-----------------------------------|
| <b>GENERAL<br/>REVENUE</b>   |                     |                   |                   |                                   |
| <u>Savings – DOC</u><br>(§§558.019, 566.030,<br>566.151, and 571.015)                                  |                     |                   |                   |                                   |
| Personal Service   | \$0                 | \$0               | \$0               | \$3,784,442                       |
| Fringe Benefits  | \$0                 | \$0               | \$0               | \$2,792,871                       |
| Exp. & Equip.  | \$0                 | \$0               | \$0               | \$300,199                         |
| <u>Total Savings - DOC</u>   | <u>\$0</u>          | <u>\$0</u>        | <u>\$0</u>        | <u>\$6,877,512</u>                |
| FTE Change - DOC   | 0 FTE               | 0 FTE             | 0 FTE             | (71) FTE                          |
| <u>Cost – DOC</u><br>(§§558.019, 566.030,<br>566.151, and 571.015)<br>Increased incarceration<br>costs | <u>\$0</u>          | <u>\$0</u>        | <u>\$0</u>        | <u>(\$172,155,068)</u>            |
| <b>ESTIMATED NET<br/>EFFECT ON<br/>GENERAL<br/>REVENUE</b>   | <b><u>\$0</u></b>   | <b><u>\$0</u></b> | <b><u>\$0</u></b> | <b><u>(\$165,277,556)</u></b>     |
| Estimated Net FTE<br>Change on General<br>Revenue  | 0 FTE               | 0 FTE             | 0 FTE             | (71) FTE                          |

| <u>FISCAL IMPACT –<br/>Local Government</u> | FY 2026<br>(10 Mo.) | FY 2027    | FY 2028    | Fully<br>Implemented<br>(FY 2039) |
|---|---------------------|------------|------------|-----------------------------------|
|   |                     |            |            |                                   |
|   | <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

MINIMUM PRISON TERMS (Sections 558.019, 566.030, 566.151, and 571.015)

This act provides that the offenses of rape in the first degree and enticement of a child shall not be subject to the general provisions of law relating to minimum prison terms and such offenses shall have their own separate minimum prison terms.

Additionally, this act modifies current minimum prison terms for certain offenses other than dangerous offenses. If an offender has had no previous prison commitments, he or she shall serve 75% of the sentence. If an offender has one previous prison commitment, he or she shall serve 80%, rather than 40%, of the sentence. If an offender has two previous prison commitments, he or she shall serve 80%, rather than 50%, of the sentence. All other offenses committed prior to August 28, 2025 shall no longer be subject to minimum prison terms.

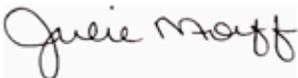
This act also repeals provisions that offenders who have committed a dangerous felony and who have reached 70 years of age and have served 40% of his or her sentence shall be eligible for parole.

Finally, this act modifies the minimum prison terms for the offense of armed criminal action. If an offender commits the offense of armed criminal action or any subsequent offense of armed criminal action, he or she shall be required to serve 100% of his or her sentence, rather than be eligible for parole after a certain amount of years.

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



Julie Morff  
Director  
February 24, 2025



Jessica Harris  
Assistant Director  
February 24, 2025