

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1576-01  
Bill No.: HB 726  
Subject: Corrections, Department of; Probation and Parole; Prisons and Jails;  
Type: Original  
Date: February 21, 2017

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Bill Summary: This proposal authorizes the early parole of certain offenders over the age of 65.

**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2027)
General Revenue	\$32,092	\$47,136	\$56,092	\$176,922
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$32,092</b>	<b>\$47,136</b>	<b>\$56,092</b>	<b>\$176,922</b>

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2027)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses. This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2027)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2027)
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2027)
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials at the **Department of Corrections (DOC)** assume this proposal allows any offender incarcerated in a correctional facility after being sentenced by a court of this state who is serving a sentence of life without parole or life without parole for a minimum of fifty years or more, is sixty-five years of age or older, has no prior felony conviction for a violent crime, and is not a convicted sex offender shall receive a parole hearing upon serving twenty-five years or more of his or her sentence.

Additionally, the bill lays out some guidelines for conditions that should be met for the parole board to decide that an offender is eligible for release. Any offender released under this bill must serve at least five years of supervision. If an offender is not paroled, they are to receive a reconsideration hearing every two years.

At the end of FY 2016, there were a total of 44 offenders who were at least 65, who have served at least 25 years and who met the other criteria for eligibility for a parole hearing and possible release (no prior violent offenses, not a sex offender) as far as an examination of only DOC records permit. There are an additional 107 offenders who will become eligible between FY 2017 and FY 2025.

After 10 years the DOC will have 28 fewer offenders in prison and 10 more on parole. As a comparison it is useful to note that five female offenders serving life without parole for Murder 1st degree have been paroled under section 217.690 since 2010. The application of this bill is much broader than 217.690 and it is reasonable to assume a larger impact on a population that is 65 or over.

The FY 2016 average cost of supervision is \$6.12 per offender per day or an annual cost of \$2,234 per offender. The DOC cost of incarceration is \$16.67 per day or an annual cost of \$6,085 per offender.

The DOC assumed this legislation would result in long term cost avoidance as reflected in the following table:

ASSUMPTION (continued)

	fewer # to prison	Cost per year	Total Savings for <b>prison</b>	more to probation	Cost per year	Total cost for <b>probation and parole</b>	Grand Total - (Avoidance) Prison and Probation (includes and 2% inflation
Year 1	(10)	(\$6,085)	\$60,850	10	(\$2,234)	(\$22,340)	\$32,092
Year 2	(12)	(\$6,085)	\$73,020	12	(\$2,234)	(\$26,808)	\$47,136
Year 3	(14)	(\$6,085)	\$85,190	14	(\$2,234)	(\$31,276)	\$56,092
Year 4	(16)	(\$6,085)	\$97,360	16	(\$2,234)	(\$35,744)	\$65,387
Year 5	(18)	(\$6,085)	\$109,530	18	(\$2,234)	(\$40,212)	\$75,032
Year 6	(20)	(\$6,085)	\$121,700	10	(\$2,234)	(\$22,340)	\$109,701
Year 7	(22)	(\$6,085)	\$133,870	10	(\$2,234)	(\$22,340)	\$125,601
Year 8	(24)	(\$6,085)	\$146,040	10	(\$2,234)	(\$22,340)	\$142,092
Year 9	(26)	(\$6,085)	\$158,210	10	(\$2,234)	(\$22,340)	\$159,193
Year 10	(28)	(\$6,085)	\$170,380	10	(\$2,234)	(\$22,340)	\$176,922

Officials from the **Office of the Governor** assume no fiscal impact from this proposal.

**FISCAL IMPACT -  
 State Government**

FY 2018  
 (10 Mo.)

FY 2019

FY 2020

Fully  
 Implemented  
 (FY 2027)

**GENERAL  
 REVENUE**

Savings -

Department of  
 Corrections - from  
 reduced  
 incarceration  
 expense for  
 offenders that meet  
 the criteria in the  
 proposal and are  
 released

\$32,092

\$47,136

\$56,092

\$176,922

**ESTIMATED NET  
 EFFECT TO THE  
 GENERAL  
 REVENUE FUND**

\$32,092

\$47,136

\$56,092

\$176,922

**FISCAL IMPACT -  
 Local Government**

FY 2018  
 (10 Mo.)

FY 2019

FY 2020

Fully  
 Implemented  
 (FY 2027)

\$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

This bill specifies that any incarcerated offender 65 years of age or older who has no prior felony convictions of a violent nature and who is serving a sentence of life without parole for a minimum of 50 years or more must receive a parole hearing upon serving 25 years or more of his or her sentence.

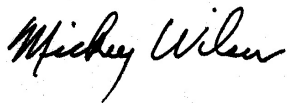
The Board of Probation and Parole within the Department of Corrections must determine whether there is a reasonable probability that the offender will not violate the law upon release and therefore is eligible for release based upon a finding that the offender meets specified criteria.

Any offender who is not granted parole under these provisions must be eligible for reconsideration 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  
Office of the Governor



Mickey Wilson, CPA  
Director  
February 21, 2017

Ross Strope  
Assistant Director  
February 21, 2017