

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0212-01  
Bill No.: HB 276  
Subject: Department of Corrections; Law Enforcement Officers and Agencies; National Guard  
Type: Original  
Date: March 3, 2009

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Bill Summary: The proposal permits certain nonviolent offenders to serve the term of sentence imposed by the court as a member of the National Guard.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	Unknown	Unknown	Unknown
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>Unknown</b>	<b>Unknown</b>	<b>Unknown</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Public Safety – Office of the Adjutant General, – Director’s Office**, and the **Office of the State Public Defender** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Prosecution Services** assume the proposal would have no measurable fiscal impact the Office of Prosecution Services or county prosecutors.

Officials from the **Department of Corrections (DOC)** assume the bill provides that the sentencing court shall determine any conditions of such National Guard service, including supervision for any person while serving in the National Guard. If the supervision is to be provided by Probation and Parole (P&P) officers, the bill presents issues as to how that supervision would legally and logistically occur if the Missouri National Guard is mobilized in federal service outside of the state.

The National Guard may impose certain standards such as the age, aptitude and physical condition of the offender if so allowed by the court system. Currently, 813 offenders incarcerated within the DOC meet the criteria outlined in the bill and are under the age of 28 years old. It should be noted that several of these offenders have several sentences and have been in prison several times already. Only 34% of the 813 are under the age of 23. The number that qualify and meet the criteria of the court and/or both agencies may potentially be a much lower number.

If incarcerated offenders are sentenced by the courts to serve their prison term in the National Guard rather than in the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding decrease in direct offender costs in incarceration (FY08 average of \$15.64 per offender, per day or an annual cost of \$5,709 per inmate). If P&P is responsible for the supervision of the serving offenders, supervision costs would be incurred and correspondingly decrease the prison diversion savings. The level and/or type of supervision that may be required is unknown and would be determined by the courts. A decrease in DOC commitments depends on the actual sentences imposed by the court. In summary, the fiscal impact for the DOC, although positive, is of an unknown amount.

ASSUMPTION (continued)

**Oversight** assumes any savings due to prison diversion would be greater than any increased probation and parole costs of supervision. Oversight has reflected the probation and parole costs of supervision as \$0 or Unknown costs because it is unclear whether the courts would require such supervision.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
<b>GENERAL REVENUE FUND</b>			
<u>Savings</u> – Department of Corrections			
Reduced incarceration costs	Unknown	Unknown	Unknown
<u>Costs</u> – Department of Corrections			
Increased probation costs	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

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

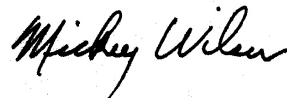
### FISCAL DESCRIPTION

The proposed legislation allows certain nonviolent offenders who are not classified as persistent offenders to serve the full term of any sentence in the National Guard instead of incarceration if the arrangement is approved by the sentencing court. Courts retain power to revoke an arrangement and mandate certain conditions for National Guard service. They also may require restitution from offenders and revoke the service arrangement if restitution is not paid or the court's conditions are not satisfied.

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

Office of State Courts Administrator  
Department of Corrections  
Department of Public Safety  
    – Office of the Adjutant General  
    – Director's Office  
Office of Prosecution Services  
Office of the State Public Defender



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