

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0335-01  
Bill No.: HB 195  
Subject: Crimes and Punishment; Courts  
Type: Original  
Date: January 23, 2019

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Bill Summary: This proposal allows a court to reduce a life without parole sentence to a sentence of life with eligibility for parole in certain circumstances.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2029)
General Revenue	\$0 to \$392,938	\$0 to \$525,845	\$0 to \$627,936	\$0 to \$1,570,331
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0 to \$392,938</b>	<b>\$0 to \$525,845</b>	<b>\$0 to \$627,936</b>	<b>\$0 to \$1,570,331</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2029)
<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.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>Fully Implemented (FY 2029)</b>
<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>				
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>Fully Implemented (FY 2029)</b>
<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.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>Fully Implemented (FY 2029)</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §558.500 - Life with eligibility for parole

Officials from the **Department of Corrections (DOC)** state this proposal will allow the court, upon petition, to reduce a sentence of life without parole to life with parole eligibility after serving 25 years, when the offender has made efforts at rehabilitation and if there were no aggravating circumstances in the offense. The legislation is assumed to be retroactive.

The requirement that an individual serve a minimum of 25 years before parole means that this legislation will affect only currently sentenced offenders during the ten-year reporting window. Newly-sentenced offenders will remain incarcerated during the entire period covered by this fiscal impact report.

For the purposes of this fiscal note, the DOC assumes that only individuals with a single sentence of life without parole (or multiple sentences arising from a single event that are served concurrently) will be considered for release by the parole board. Further, only those who have good institutional adjustment and few conduct violations (institutional risk score of one) will be considered for release. The table below contains the number of individuals who are or will become eligible for parole under this legislation for each of the next ten fiscal years. There would be approximately 233 offenders who are eligible in the first year of release and an average of 44 additional offenders in each subsequent year.

#### **Expected releases after serving 25 years of a life without parole sentence**

	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
Eligible offenders	233	20	43	35	40	35	49	54	54	63
Released	75	7	15	12	14	12	17	18	18	21
Prison population	-75	-82	-96	-108	-122	-134	-150	-169	-187	-209
Field population	75	82	96	108	122	134	150	169	187	209

Data from offenders incarcerated for 2nd degree murder with a life sentence suggests that about 55% of such offenders are paroled after serving 25 years. To account for the effects of prison return recidivism, the calculated impact will also be reduced by 35 percent. Previous research by the unit has shown that paroled offenders spend approximately this proportion of their time after first release back in prison. If a similar trend holds for those sentenced on life without parole, the impact is expected to be a reduction of 209 offenders by FY2029.

ASSUMPTION (continued)

However, passage of this bill would not change the total number of offenders supervised by the department.

The immediate impact of this bill would be a reduction of 75 offenders in prison and an increase of the same number of offenders on parole in FY2020. In FY2029, the prison population would be lower by 209, and the parole population will be 209 higher. There would be no need for additional probation and parole officers.

If this impact statement has changed from statements submitted in previous years, it is because the DOC has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state

In December 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2019 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each probation and parole district due to the proposed legislative change. For purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE in the district. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

The DOC cost of incarceration is \$17.224 per day or an annual cost of \$6,287 per offender. The DOC cost of probation or parole is determined by the number of Probation and Parole Officer II positions that would be needed to cover the new caseload.

**Oversight** assumes the savings estimated by the DOC will result in long-term cost avoidance as indicated in the chart below. Oversight also notes that the savings estimated by DOC depend upon actions by the courts and will show the savings as a range of \$0 (no court reduces a life sentence) to the amount of savings estimated by DOC.

ASSUMPTION (continued)

	fewer in prison	Cost per year	Total Costs avoided for <b>prison</b>	# to probation & parole	Cost per year	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes and 2% inflation)
Year 1	-75	(\$6,287)	\$392,938	75	\$0	\$0	\$392,938
Year 2	-82	(\$6,287)	\$525,845	82	\$0	\$0	\$525,845
Year 3	-96	(\$6,287)	\$627,936	96	\$0	\$0	\$627,936
Year 4	-108	(\$6,287)	\$720,556	108	\$0	\$0	\$720,556
Year 5	-122	(\$6,287)	\$830,241	122	\$0	\$0	\$830,241
Year 6	-134	(\$6,287)	\$930,142	134	\$0	\$0	\$930,142
Year 7	-150	(\$6,287)	\$1,062,027	150	\$0	\$0	\$1,062,027
Year 8	-169	(\$6,287)	\$1,220,482	169	\$0	\$0	\$1,220,482
Year 9	-187	(\$6,287)	\$1,377,484	187	\$0	\$0	\$1,377,484
Year 10	-209	(\$6,287)	\$1,570,331	209	\$0	\$0	\$1,570,331

**Oversight** notes that the **Attorney General’s Office, Missouri Office of Prosecution Services, Office of State Courts Administrator and State Public Defender’s Office** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

FISCAL IMPACT -  
State Government

	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2029)
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**GENERAL  
 REVENUE FUND**

Savings - DOC  
 (\$558,500)

Decrease in incarceration costs	<u>\$0 to \$392,938</u>	<u>\$0 to \$525,845</u>	<u>\$0 to \$627,936</u>	<u>\$0 to \$1,570,331</u>
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**ESTIMATED NET  
 EFFECT ON THE  
 GENERAL  
 REVENUE FUND**

	<u>\$0 to \$392,938</u>	<u>\$0 to \$525,845</u>	<u>\$0 to \$627,936</u>	<u>\$0 to \$1,570,331</u>
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<u>FISCAL IMPACT -</u> <u>Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2029)
	<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

This bill allows a sentencing court to, upon petition, reduce a sentence of life without eligibility for probation or parole to a sentence of life with eligibility for probation or parole if the court determines that the convicted person has satisfied certain provisions, as specified in the bill.

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 Office of Prosecution Services  
Office of State Courts Administrator  
State Public Defender's Office



Kyle Rieman  
Director  
January 23, 2019

Ross Strope  
Assistant Director  
January 23, 2019