

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3763-04
Bill No.: HCS for HB 1520
Subject: Probation and Parole; Crimes and Punishment; Courts
Type: Original
Date: March 6, 2020

Bill Summary: This proposal changes the laws regarding probation and parole violations.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on FTE	0	0	0

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 2021	FY 2022	FY 2023
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§217.147, 217.692, 217.720, 217.722, 217.730, 544.457, 544.676, 559.016, and 559.036 - Probation and parole violations

Officials from the **Department of Corrections (DOC)** state the DOC is unable to determine the effect the revisions in §§217.720 and 544.676 will have on the department and what effect the changes would have overall. Section 217.720 pertains to parolees and conditional releases; however, the language appears to target probationers. DOC is not sure what the impact of that change would be. DOC also cannot determine the effect of adding parole to §544.676 as this is a section on bail proceedings with the courts. These two changes could create statutory conflict and jurisdictional questions between the courts and the Parole Board.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC’s (Unknown) impact for fiscal note purposes.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS.

Oversight notes the **Attorney General’s Office**, the **Office of State Courts Administrator**, and the **State Public Defender’s Office** have each stated the proposal would not have a direct 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 - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND			
<u>Cost - DOC (§§217.720 and 544.676)</u>			
Change in probation and parole violations	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Local Government

FY 2021
(10 Mo.)

FY 2022

FY 2023

\$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 contains a presumption that offenders are competent to participate in parole hearings without appointed counsel unless it is shown that they cannot understand the circumstances and procedures of the hearing.

Where there is probable cause that an offender committed a felony while on probation or parole for a felony offense, then they may be presumed to pose a danger and held for a violation hearing.

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



Julie Morff
Director
March 6, 2020



Ross Strobe
Assistant Director
March 6, 2020