

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4258-03
Bill No.: HB 2034
Subject: Probation and Parole; Department of Corrections; Crimes and Punishment
Type: Original
Date: February 5, 2020

Bill Summary: This proposal authorizes the early parole of certain offenders over the age of sixty-five.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2030)
General Revenue	\$0 to \$111,755	\$0 to \$169,357	\$0 to \$199,320	\$0 to \$361,591
Total Estimated Net Effect on General Revenue	\$0 to \$111,755	\$0 to \$169,357	\$0 to \$199,320	\$0 to \$361,591

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2030)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2030)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2030)
General Revenue	0 FTE	0 FTE	0 FTE	0 or 1 FTE
Total Estimated Net Effect on FTE	0 FTE	0 FTE	0 FTE	0 or 1 FTE

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	Fully Implemented (FY 2030)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§217.697 - Early parole of certain offenders over the age of 65

Officials from the **Department of Corrections (DOC)** state HB 2034 proposes the early parole of certain offenders over the age of sixty-five.

To project the potential impact on the department over the next ten years, all offenders 56 years of age and older who meet the following conditions were considered:

- No conviction for a dangerous felony;
- Not a convicted sex offender;
- Offender will be 65 years or older by the time they have served at least 30 years in prison; and
- Serving a sentence of life without parole for a minimum of 50 years or more and was sentenced under §565.008.

The total potential impact on the department could be up to an additional 57 offenders eligible for release over the next ten fiscal years.

	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
Possible Release	21	5	4	4	4	4	7	4	2	2
Total	21	26	30	34	38	42	49	53	55	57

The proposed legislation does not involve new admissions to prison or probation cases; therefore, the total cumulative impact on the offender population is reflected in the transfer of incarcerated offenders to the field population.

ASSUMPTION (continued)

Change in prison admissions and probation openings with legislation

	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
Cumulative Populations										
Prison	-21	-26	-30	-34	-38	-42	-49	-53	-55	-57
Parole	21	26	30	34	38	42	49	53	55	57
Probation	0	0	0	0	0	0	0	0	0	0
Impact										
Prison Population	-21	-26	-30	-34	-38	-42	-49	-53	-55	-57
Field Population	21	26	30	34	38	42	49	53	55	57

As this statute only states these offenders would become eligible to receive a parole hearing once the listed criteria is met, release would still be a decision for the Parole Board to make. Therefore, the impact could be none, should they choose not to release any additional offenders, all the way up to the above stated impact.

	# fewer in prison	Cost per year	Total Savings for prison	Change in probation & parole officers	Total cost for probation and parole	# to Probation and Parole	Grand Total - Prison and Probation (includes a 2% inflation)
Year 1	(21)	(\$6,386)	\$111,755	0	\$0	21	\$111,755
Year 2	(26)	(\$6,386)	\$169,357	0	\$0	26	\$169,357
Year 3	(30)	(\$6,386)	\$199,320	0	\$0	30	\$199,320
Year 4	(34)	(\$6,386)	\$230,414	0	\$0	34	\$230,414
Year 5	(38)	(\$6,386)	\$262,672	0	\$0	38	\$262,672
Year 6	(42)	(\$6,386)	\$296,128	0	\$0	42	\$296,128
Year 7	(49)	(\$6,386)	\$352,392	0	\$0	49	\$352,392
Year 8	(53)	(\$6,386)	\$388,782	1	(\$81,622)	53	\$307,160
Year 9	(55)	(\$6,386)	\$411,522	1	(\$72,635)	55	\$338,887
Year 10	(57)	(\$6,386)	\$435,016	1	(\$73,425)	57	\$361,591

ASSUMPTION (continued)

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 2019, 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 2020 fiscal notes. For the 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 would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. 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. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 44 probation and parole districts.

The DOC cost of incarceration is \$17,496 per day or an annual cost of \$6,386 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

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

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023	Fully Implemented (FY 2030)
GENERAL REVENUE FUND				
<u>Savings</u> - DOC				
(\$217.697) Change in P&P Officers				
				\$0 or....
Personal Services	\$0	\$0	\$0	(\$42,383)
Fringe Benefits	\$0	\$0	\$0	(\$26,708)
Equipment and Expense	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	(\$4,334)
<u>Total Savings</u> - DOC	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$73,425)</u>
FTE Change - DOC	0 FTE	0 FTE	0 FTE	0 or 1 FTE
 <u>Costs</u> - DOC				
(\$217.697) Decreased incarceration costs				
	<u>\$0 to \$111,755</u>	<u>\$0 to \$169,357</u>	<u>\$0 to \$199,320</u>	<u>\$0 to \$435,016</u>
 ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND				
	<u>\$0 to \$111,755</u>	<u>\$0 to \$169,357</u>	<u>\$0 to \$199,320</u>	<u>\$0 to \$361,591</u>
 Estimated Net FTE Change for the General Revenue Fund				
	0 FTE	0 FTE	0 FTE	0 or 1 FTE
 <u>FISCAL IMPACT - Local Government</u>				
	FY 2021 (10 Mo.)	FY 2022	FY 2023	Fully Implemented (FY 2030)
	<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 specifies that any incarcerated offender 65 years of age or older who has no prior felony convictions of a violent nature, who is not a convicted sexual offender, who is serving a sentence of life without parole for a minimum of 50 years or more, and who was sentenced under Section 565.008, RSMo, for an offense committed prior to October 1, 1984, must receive a parole hearing upon serving 30 years or more of his or her sentence.

The Parole Board 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.

The bill requires any offender granted parole under these provisions to be placed on a minimum of five years supervision by the Division of Probation and Parole.

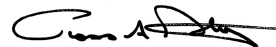
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections



Julie Morff
Director
February 5, 2020



Ross Strope
Assistant Director
February 5, 2020