

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5711H.011
 Bill No.: HB 2780
 Subject: Probation and Parole; Crimes and Punishment; Prisons and Jails
 Type: Original
 Date: March 28, 2022

Bill Summary: This proposal specifies that certain offenders found guilty of trafficking drugs shall be eligible for parole after serving ten years.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2032)
General Revenue*	\$0 to \$41,275	\$0 to \$50,521	\$0 to \$51,531	\$0 to \$138,117
Total Estimated Net Effect on General Revenue	\$0 to \$41,275	\$0 to \$50,521	\$0 to \$51,531	\$0 to \$138,117

*The fiscal impact depends upon the number of inmates released from prison (if any).

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2032)
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2032)
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 2023	FY 2024	FY 2025	Fully Implemented (FY 2032)
Total Estimated Net Effect on FTE	0	0	0	\$0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2032)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§217.689 – Trafficking drugs

Officials from the **Department of Corrections (DOC)** state this proposal specifies that certain offenders found guilty of trafficking drugs shall be eligible for parole after serving ten years.

There are currently 14 incarcerated offenders whose most serious active sentence is a class A felony sentence under sections 195.295 or 195.296 who have not yet been released on that sentence. Of those 14 offenders, four have already served ten years or more of their sentence and would be eligible for parole in 2022 under this proposal. This chart reflects those offenders that would be eligible for parole under this legislation, with review by the Board, but not necessarily released in that specific year. Without the passage of this legislation, those offenders could remain in prison until their conditional release date.

Year of parole eligibility	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Number of offenders	4	2	0	0	1	2	0	2	1	1	1

Change in prison admissions and probation openings with legislation

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
New Admissions											
Current Law	0	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0	0
Probation											
Current Law	0	0	0	0	0	0	0	0	0	0	0
After Legislation	0	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	0
Probations	0	0	0	0	0	0	0	0	0	0	0
Cumulative Populations											
Prison	-4	-2	0	0	-1	-2	0	-2	-1	-1	-1
Parole	4	2	0	0	1	2	0	2	1	1	1
Probation	0	0	0	0	0	0	0	0	0	0	1
Impact											
Prison Population	-4	-6	-6	-6	-7	-9	-9	-11	-12	-13	-14
Field Population	4	6	6	6	7	9	9	11	12	13	14
Population Change	0	0	0	0	0	0	0	0	0	0	0

The cumulative impact over the next ten years, if all eligible offenders are released from prison to supervision, would be a decrease of 14 offenders in prison and an increase of 14 offenders on supervision.

	# to prison	Cost per year	Total Savings for prison	Change in probation & parole officers	Total savings for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	(6)	(\$8,255)	\$41,275	0	\$0	6	\$41,275
Year 2	(6)	(\$8,255)	\$50,521	0	\$0	6	\$50,521
Year 3	(6)	(\$8,255)	\$51,531	0	\$0	6	\$51,531
Year 4	(7)	(\$8,255)	\$61,322	0	\$0	7	\$61,322
Year 5	(9)	(\$8,255)	\$80,419	0	\$0	9	\$80,419
Year 6	(9)	(\$8,255)	\$82,028	0	\$0	9	\$82,028
Year 7	(11)	(\$8,255)	\$102,261	0	\$0	11	\$102,261
Year 8	(12)	(\$8,255)	\$113,789	0	\$0	12	\$113,789
Year 9	(13)	(\$8,255)	\$125,737	0	\$0	13	\$125,737
Year 10	(14)	(\$8,255)	\$138,117	0	\$0	14	\$138,117

If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$22.616 per day or an annual cost of \$8,255 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$88.12 per day or an annual cost of \$32,162 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases 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.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect a range of \$0 (decision to release is still with the Parole Board) to DOC's impact for fiscal note purposes.

Officials from the **Department of Health and Senior Services** and **Office of the State Courts Administrator** assume the proposal will have no fiscal impact on their organization. **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</u> <u>– State</u> <u>Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2032)
GENERAL REVENUE FUND				
<u>Savings</u> – DOC (\$217.689) Decreased incarceration costs	\$0 to <u>\$41,275</u>	\$0 to <u>\$50,521</u>	\$0 to <u>\$51,531</u>	\$0 to <u>\$138,117</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	\$0 to <u>\$41,275</u>	\$0 to <u>\$50,521</u>	\$0 to <u>\$51,531</u>	\$0 to <u>\$138,117</u>

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2032)
	<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

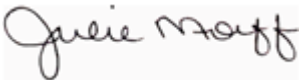
This bill specifies that any offender sentenced under Subsection 2 or 3 of Section 195.295, RSMo, relating to convictions for drug trafficking in the second degree, or Section 195.296,

relating to convictions for trafficking drugs in the first degree, prior to January 1, 2017, when the sections were repealed, will be eligible for parole after having served 10 years of his or her sentence if the Parole Board within the Division of Adult Institutions within the Department of Corrections determines that there is a strong and reasonable probability that the offender will not re-offend.

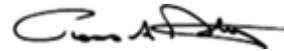
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Department of Health and Senior Services
Office of the State Courts Administrator



Julie Morff
Director
March 28, 2022



Ross Strobe
Assistant Director
March 28, 2022