

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3017-01
Bill No.: HB 1081
Subject: Boards, Commissions, Committees, Councils; Department of Corrections, Law Enforcement Officers and Agencies
Type: Original
Date: April 26, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue Fund	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
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 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Governor** and the **Office of State Public Defender** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General** assume the cost of the proposed legislation could be absorbed within existing resources.

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 proposed legislation would have no fiscal impact on prosecutors.

Officials from the **Department of Corrections (DOC)** assume the proposed legislation requires the Board of Probation and Parole to review and make clemency recommendations to the Governor regarding prisoners serving sentences for which they cannot currently be paroled under normal circumstances.

ASSUMPTION (continued)

Individual files of offenders serving life sentences without parole (who also met the other requirements noted in the bill) would be required to be proactively reviewed by the Board of Probation and Parole with a recommendation made to the Governor every two years. These files would need to be manually reviewed on a case-by-case basis as the current computerized offender data base does not contain the specific information required in this bill as criteria to be reviewed for executive clemency.

The DOC cannot determine the number of offenders who may be affected due to passage of this bill. Hearing results and potential action by the Governor cannot be estimated. It must be noted the Governor of our state currently has the power to grant executive clemency. Savings would be realized if early releases did occur; however, additional DOC staff would be required to screen files and prepare reports for the Board and additional counsel time would also be necessary to review said findings if this bill were passed into law.

Due to the aforementioned unknown variables resulting from this proposal, the potential cost for the DOC is Unknown for each fiscal year.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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GENERAL REVENUE FUND

Costs – Department of Corrections

Additional staff to screen files, prepare reports, and counsel time

<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**ESTIMATED NET EFFECT ON
GENERAL REVENUE FUND**

<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

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

BLG:LR:OD (12/02)

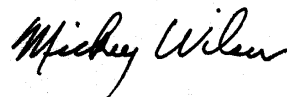
DESCRIPTION

The proposed legislation would expand the duties of the Board of Probation and Parole. The board would be required to review thoroughly the case history of all offenders who have no possibility of parole. Within 60 days of the review, the board would prepare a report to the Governor with a recommendation to either grant or deny executive clemency. Offenders released would remain under the supervision of the board for at least five years. The proposal would establish criteria to be used by the board when conducting its reviews and making recommendations. Offender reviews and recommendations would be required to be made every two years.

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 the Attorney General
Office of State Courts Administrator
Department of Corrections
Office of the Governor
Office of Prosecution Services
Office of State Public Defender



Mickey Wilson, CPA
Director
April 26, 2004