

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3803-01
Bill No.: HB 1778
Subject: Probation and Parole; Prisons and Jails
Type: Original
Date: February 21, 2008

Bill Summary: The proposal requires the Board of Probation and Parole to make periodic reviews of certain convicted offenders serving sentences of 50 years or life without parole.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
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 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

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

Officials from the **Office of the Attorney General** assume any potential costs arising from this proposal can 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 **Department of Corrections (DOC)** assume the proposal would result in unknown savings to the DOC. Board of Probation and Parole recommendations or Governor's actions cannot be estimated. Any paroles and/or pardons would result in savings due to the release of offenders from prison, but DOC cannot estimate these numbers.

Officials from the **Office of Prosecution Services (OPS)** assume that where in the proposed statute it states, "the board shall review thoroughly the case history," that such a thorough review of the case history would involve the prosecutor of the jurisdiction that prosecuted the criminal case.

The OPS is not aware of any estimates as to the number of cases to which the provisions of this proposal would apply. Similarly, the time and resources required of prosecutors to participate in such reviews cannot be accurately estimated. OPS states it is not possible to provide a measurement of the fiscal impact such legislation will have on county prosecutors. Depending on the number of cases reviewed, the fiscal impact could be significant.

Oversight assumes there could be a fiscal impact on county prosecutors as a result of the proposed legislation. Oversight assumes the number of cases cannot be estimated. Therefore, Oversight assumes the costs to county prosecutors to be Unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
GENERAL REVENUE FUND			
<u>Savings</u> – Department of Corrections			
Prison releases	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
POLITICAL SUBDIVISIONS			
<u>Costs</u> – County Prosecutors			
Case history reviews	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The proposed legislation requires the Board of Probation and Parole to thoroughly review every three years the case history of all offenders incarcerated in a correctional institution with a sentence that includes 50 years or life with no possibility for parole. After the review, the board will report to the Governor with a recommendation to grant or deny executive clemency. Offenders who are released will remain under the supervision of the board for as long as the board deems necessary.

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

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
February 21, 2008