

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4129-01
Bill No.: HB 1318
Subject: Crimes and Punishment; Criminal Procedure; Courts
Type: Original
Date: March 20, 2014

Bill Summary: This proposal changes the minimum sentencing requirements for felons who have no previous prison commitments and are first-time dangerous felons.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
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 2015	FY 2016	FY 2017
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 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
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 2015	FY 2016	FY 2017
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** state currently, any offender who is convicted of an offense which is defined as a dangerous felony (DF) pursuant to §556.061(8) RSMo, is required to serve 85% of their sentence, or at least 40% if the offender is 70 years of age, whichever occurs first, before they are eligible for parole or other early release by the DOC.

The bill only requires first-time dangerous felony offenders, who have no previous prison commitments to serve only 50% of their sentence or at least 40% if the offender is 70 years of age, whichever occurs first, before they are eligible for parole or other early release by the DOC. This provision directs that it be retroactively applied to any offender convicted of a DF on or after August 28, 1994.

During fiscal year 2013, 574 dangerous felonies were admitted to the DOC's Division of Adult Institutions. Of this number, 311 cases had no prior prison incarcerations in the state of Missouri. The 311 offenders had an average sentence of 17.9 years. The current requirement that they serve at least 85% of the sentence prior to eligibility for release would, on average, mean they would serve a minimum of 15.2 years prior to being considered for release by DOC's Board of Probation and Parole. Under the proposed change they would serve an average of 9.5 years prior to be eligible for release on supervision. This is an average reduction in time to eligibility for release of 5.7 years per offender. This is a snapshot of only one year of sentences for DFs. The offenders with a requirement to serve 50% would be eligible for conditional release. While time to reach eligibility for release is reduced due to passage of this proposal, the actual release date is set by the Board of Probation and Parole and cannot be estimated. Fiscal impact reductions would be offset by the cost of supervision.

In summary, although fiscal impact cannot be determined, it is assumed to be positive per each fiscal year for the DOC.

In response to other proposals from this year, DOC has stated that the annual cost for incarceration for an offender is \$6,575 while the annual cost for supervision provided by the Board of Probation and Parole is \$1,851. Therefore, **Oversight** assumes with a difference in annual cost of \$4,724 (\$6,575 - \$1,851), only 22 offenders would need to be released to reach an annual savings of over \$100,000 ($\$4,724 \times 22 = \$103,928$).

Officials from the **Office of the State Public Defender**, **Office of Prosecution Services**, and **Office of the State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

RAS:LR:OD

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
GENERAL REVENUE			
<u>Savings</u> - Department of Corrections - certain offenders could be released from incarceration earlier because of this proposal. The cost for incarceration is more expensive than supervision	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>UNKNOWN</u>	<u>UNKNOWN</u>	<u>UNKNOWN</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<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

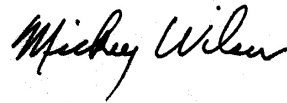
This proposal specifies that for prison sentences imposed on or after August 28, 1994, an offender who does not have a previous prison commitment with the Department of Corrections for a felony offense and is a first-time dangerous felony offender must serve at least 50% of the sentence imposed by the court or until the offender reaches 70 years of age and has served at least 40% of the sentence imposed, whichever occurs first..

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

RAS:LR:OD

SOURCES OF INFORMATION

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

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

Mickey Wilson, CPA
Director
March 20, 2014

Ross Strobe
Assistant Director
March 20, 2014