

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 6766-03  
Bill No.: HCB 20  
Subject: Department of Corrections; Criminal Procedure; Prisons and Jails; Probation and Parole; Telecommunications; Health Care; Health Care Professionals  
Type: Original  
Date: April 3, 2018

---

Bill Summary: This proposal modifies provisions relating to corrections.

**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	\$2,531,200	\$3,038,189	\$3,038,953
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$2,531,200</b>	<b>\$3,038,189</b>	<b>\$3,038,953</b>

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<b>Local Government</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Corrections (DOC)** state the legislation removes the ability of an offender to object to a parole hearing conducted by video conferencing. As video parole hearings are currently conducted at 14 Division of Adult Institution facilities, the Parole Board must travel to each of these sites to conduct an in-person hearing when an offender objects to the use of video. Removing the ability to object will result in a cost savings to the agency.

The estimated projected cost savings from the legislation are as follows:

Average number of travel days due to offender refusing to appear via video:	8 per month
Average vehicle cost per travel day:	\$ 130.00
Average hotel cost per travel day for two hearing panel members:	\$ 160.00 (\$80.00 X 2)
Average meal cost per travel day for two hearing panel members:	\$ 100.00 (\$50.00 X 2)
 Average cost per travel day:	 \$ 390
Average cost per month:	\$ 3,120
Average cost per year:	\$ 37,440

Also, this legislation also restricts hospitals from charging more than Medicaid rates for providing healthcare services to offenders, which is anticipated to result in a cost avoidance of \$3,000,000 in offender health care expenses.

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Office of Prosecution Services**, the **Department of Social Services**, and the **Department of Health and Senior Services** each assume the proposal would not fiscally impact their respective agencies.

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of failing to surrender a two-way telecommunications device - a new class A misdemeanor.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

ASSUMPTION (continued)

Officials from the **Office of the State Courts Administrator** state there may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Sections 217.149 & 217.151

In response to a similar proposal (HB 2026), officials from the **Department of Corrections** and the **Department of Social Services** each assumed the proposal would not fiscally impact their respective agencies.

In response to a similar proposal from this year (HB 1437), officials from the **St. Louis County Police Department**, and the **Boone County Sheriff's Department** each assume the proposal would not fiscally impact their respective agencies.

In response to a similar proposal from this year (HB 1437), officials from the **Jefferson County Sheriff's Office** state as a medical provider, we have all these requirements in place already. The only thing we need to make sure of is that custody does not use restraints on anyone that is in their third trimester. We can review all the policies related to this.

In response to a similar proposal from this year (HB 1437), officials from the **Jasper County Sheriff's Department** state they would incur costs from:

- for a county the size of Jasper County, a contract with an additional medical professional would cost a minimum of \$36,000 per year. Currently, we contract with a male doctor, this requirement is that a female doctor be present during examinations (221.523.1(10)).
- mandatory substance abuse treatment during incarceration (221.523.1(3));
- maternal health evaluations (221.523.1(1)). This could cost up to \$3,000 per year for transportation and medical service costs.

In response to a similar proposal from this year (SB 803), officials from the **City of Kansas City** assumed the proposal would not fiscally impact their agency.

With the conflicting responses from county sheriffs and municipalities, **Oversight** will reflect a potential cost of \$0 or Unknown to local political subdivisions.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
<b>GENERAL REVENUE FUND</b>			
<u>Cost Avoidance</u> - DOC - \$217.670 - increased usage of videoconferencing for parole hearings	\$31,200	\$38,189	\$38,953
<u>Cost Avoidance</u> - DOC - \$197.130 - medical care for inmates	<u>\$2,500,000</u>	<u>\$3,000,000</u>	<u>\$3,000,000</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>\$2,531,200</u></b>	<b><u>\$3,038,189</u></b>	<b><u>\$3,038,953</u></b>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2019 (10 Mo.)	 FY 2020	 FY 2021
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Costs</u> - potential new costs for intake and care of prisoners who are pregnant	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

HOSPITALS - this bill prohibits hospitals from denying treatment to inmates seeking medical care solely on the basis of the inmates' status as incarcerated individuals, and it requires hospitals to administer the same standard of medical care to inmates as they would to any other person with the same or similar medical condition. Hospitals are also required to pass on savings from contracts with Medicaid rates to the Department of Corrections. If a health care provider bypasses a closer hospital to receive a lower rate at a hospital farther away, the health care

FISCAL DESCRIPTION (continued)

provider must pay the Department of Corrections for any increased cost for personnel and transportation of the inmate to the farther hospital (Section 197.130, RSMo).

**PROTECTIONS FOR PREGNANT OFFENDERS** - This bill specifies the necessary health care standards for pregnant and postpartum offenders in a correctional center or county or city jail. The bill requires each of these facilities to develop procedures by January 1, 2019 (Sections 217.149 and 221.523).

The bill requires restraints being used on a pregnant offender in her third trimester or on a postpartum offender within 48 hours post delivery to be the least restrictive available. Additionally, if a physician or registered nurse treating the offender requests that restraints not be used, the corrections officer accompanying such offender shall remove restraints immediately. However, the physician or registered nurse shall be liable for any injury that results from the removal of the restraints (Sections 217.151 and 221.520).

**VIDEOCONFERENCING AND PAROLE HEARINGS** - Currently, the use of videoconferencing must not be used if the offender, the victim, or the victim's family objects. This bill removes the offender from the list of individuals who can object. The bill also removes the requirement that the parole board conduct a personal interview with the offender, permitting the interview to be conducted via videoconferencing (Section 217.690).

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  
Department of Social Services  
Department of Public Safety - Missouri Highway Patrol  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of Prosecution Services

Ross Strope

A handwritten signature in black ink, appearing to read "Ross Strope", with a stylized flourish at the end.

Acting Director  
April 3, 2018