

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0424-01
Bill No.: HB 80
Subject: Probation and Parole; Crimes and Punishment
Type: Original
Date: February 11, 2019

Bill Summary: This proposal changes the law regarding private probation supervision services by prohibiting drug and alcohol screen tests unrelated to the offense and requiring the use of earned compliance credits.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on FTE	0	0	0

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

\$559,600 - Private probation supervision

Oversight notes that the **Department of Corrections** and **Office of State Courts Administrator** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight has contacted the Department of Corrections (DOC) and Office of State Courts Administrator (OSCA) to obtain a listing and/or the number of private probation services in addition to the number of offenders utilizing the service.

Officials from the OSCA are not able to reliably provide a list of court-approved entities that provide private probation supervision services. Circuit courts are responsible for contracting with the companies that provide this type of service. Courts enter the probation record but can not tell if a private probation supervision services company is being used by an offender.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

This proposal could have a fiscal impact on small businesses which are private probation supervisors.

FISCAL DESCRIPTION

This bill prohibits a person sentenced to serve probation with a private entity providing probation services from being required to submit to drug or alcohol testing unless the person is on probation as a result of a drug or alcohol related offense.

Additionally, the bill requires private probation service entities to award earned compliance credits to clients for every month of compliance with the terms of probation. Earned compliance credits shall reduce the term of probation by 30 days for each full calendar month of compliance with the terms of supervision, and the requirements and procedures for such earned compliance credit shall be the same as the requirements and procedures for the Department of Corrections. Credits shall begin to accrue for eligible offenders after the first full month of supervision or, if the offender began a term of probation before September 1, 2019, on October 1, 2019.

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
Office of State Courts Administrator



Kyle Rieman
Director
February 11, 2019

Ross Strobe
Assistant Director
February 11, 2019