

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0424-02
Bill No.: HCS for HB 80
Subject: Probation and Parole; Crimes and Punishment
Type: Original
Date: March 1, 2019

Bill Summary: This proposal modifies provisions relating to probation.

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

§§559.016 and 559.600 - Probation

Oversight notes that the **Department of Corrections (DOC)** and **Office of State Courts Administrator (OSCA)** 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 contacted the DOC regarding the changes to the language in §559.016. The DOC stated the term of probation for misdemeanors (unless sexual in nature) or a municipal ordinance violation would not affect the DOC.

Oversight also contacted DOC and OSCA to obtain a listing and/or the number of private probation services in addition to the number of offenders utilizing the service. DOC officials stated the statute that permits private probation allows Courts to contract to provide supervision to clients, therefore, DOC would not have this information. In addition, OSCA is 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 reduces the maximum term for probation for a misdemeanor or municipal ordinance violation to 18 months.

The 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 or unless ordered by a judge for good cause shown.

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
March 1, 2019

Ross Strobe
Assistant Director
March 1, 2019