

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0920-01
Bill No.: HB 230
Subject: Sunshine Law; Department of Corrections
Type: Original
Date: January 15, 2019

Bill Summary: This proposal modifies provisions for sunshine requests for records affecting the security of correctional centers.

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

Officials from the **Department of Corrections (DOC)** state that the proposed bill authorizes closure of certain records relating to correctional centers. The proposed legislation will assist the department in maintaining security at its institutions. While section 217.075.1(3) likely gives the department authority to close these records (authorizes closure of records relating to institutional security), the proposed language in 610.021(24)-(25) specifically authorizes closure of records that if released, could negatively impact institutional security. Therefore, the proposed language clears any perceived ambiguity to authorize closure of security video, offender phone calls, and other records regarding the secured perimeters. Allowing the Department to keep this sensitive information closed from the public will enhance staff and offender safety.

This legislation may have an operational impact on the department by reducing the amount of staff time spent on researching, gathering, and copying said records. The actual impact is difficult to determine; however, according to the DOC, there were 27 sunshine request responses that cited §217.075.1(3) in calendar year 2018, as a basis for withholding records described in the proposed legislation.

Oversight notes that the Department of Corrections has stated the proposal would not have a direct fiscal impact on their organization. According to the DOC, Record Officers respond to thousands of request for records each year. Oversight assumes the language added in Section 610.021 in the bill would reinforce language already in Section 217.075.1(3). Since there were only 27 request from calendar year 2018 in which DOC cited Section 217.075.1(3), Oversight assumes there will not be a savings of staff time and therefore will reflect a zero impact on the fiscal note.

Officials from the **Office of Administration** assume the proposal will have no fiscal impact on their organization. **Oversight** has no information to the contrary. Therefore, Oversight will reflect a zero fiscal impact to this agency.

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

FISCAL IMPACT - Local Government

FY 2020
(10 Mo.)

FY 2021

FY 2022

\$0

\$0

\$0

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 appears to have no direct fiscal impact.

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 Administration



Kyle Rieman
Director
January 15, 2019

Ross Strobe
Assistant Director
January 15, 2019