

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1967-01  
Bill No.: Perfected HB 920  
Subject: Department of Corrections; Prisons and Jails; Crimes and Punishment  
Type: Original  
Date: April 4, 2019

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Bill Summary: This proposal modifies provisions relating to female offenders.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
General Revenue	(\$143,065 to Unknown)	(\$175,970 to Unknown)	(\$180,369 to Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$143,065 to Unknown)</b>	<b>(\$175,970 to Unknown)</b>	<b>(\$180,369 to Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<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.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
<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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
<b>Local Government</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §§217.199 and 221.065 - Certain healthcare products to be provided to prisoners at no cost

Officials from the **Department of Corrections (DOC)** state this bill adds tampons and sanitary napkins to be included under "healthcare products". These products should be made available at no cost to offenders while confined in a correctional center of the department.

In response to similar legislation from the current session (Perfected HB 303), the DOC stated they currently provide sanitary napkins (and not tampons) to offenders and the purpose of this bill is to provide a greater selection of healthcare products to offenders. Also, the DOC does not question the number of pads requested nor the frequency of the request made by an offender. The DOC stated the number of pads used in FY18 was approximately 2,664,000 with an average daily population of 3,100 for a total cost to the DOC of \$114,774.

Currently, the female population within our facilities is 3,046. The DOC estimates an annual usage of 859 products per offender. Assuming 50 percent of this population will request tampons at a cost of \$0.18 per tampon and the other 50 percent will use sanitary napkins at a cost of \$0.0389 per napkin, the department is estimating an annual cost of \$171,678  $[(3,046/2) * 859 * \$0.18 = \$235,584, \text{rounded}) + ((3,046/2) * 859 * \$0.0389 = \$50,869, \text{rounded}) - \$114,774 \text{ (current expenditure)} = \$171,678]$ . The DOC stated it has nothing to base the assumption that 50 percent of offenders will use tampons over pads. It is a best-guess assumption.

Please note that other than the listed tampons and sanitary napkins, the term "healthcare product" is undefined under section 217.199. It is unclear from the bill what constitutes as a healthcare product. As a result, offenders would likely request a variety of products to be provided for free as a healthcare product. This could lead to lawsuits to determine if certain products apply under the law.

**Oversight** assumes the cost provided by the DOC is for a full year, therefore, Oversight has adjusted the cost for FY20 to ten months and included a 2.5 percent cost-of-living adjustment for FY21 and FY22.

Officials from the **Joplin Police Department** state these items are already supplied in the jail, therefore, there would not be any fiscal impact to the department.

ASSUMPTION (continued)

Officials from the **Springfield Police Department** and **St. Louis County Department of Justice Services** state the proposal would not have a direct fiscal impact on their organizations.

**Oversight** notes the no impact responses from the Joplin and Springfield Police Departments, as well as the St. Louis County Department of Justice Services. However, there may be some county or city jails that do not provide both tampons and napkins for free. Therefore, the impact to local governments will be presented as \$0 or (Unknown).

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other counties and police and sheriffs' departments were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to [www.legislativeoversight.mo.gov](http://www.legislativeoversight.mo.gov).

House Amendment (HA) 1:

Officials from the **Department of Corrections (DOC)** assume the amendment will not have a direct fiscal impact on their organization.

**Oversight** has no information to the contrary, therefore, Oversight assumes HA 1 has no additional fiscal impact.

House Amendment (HA) 2:

Officials from the **Department of Corrections (DOC)** assume the chief medical administrator is the department's contracted provider, that the offender is required to provide their own medical care, and that a condition of the furlough is that the offender is providing to the parole officer verification that they are attending the medical visits. It is unknown if the chief medical administrator will determine that the level of medical care rendered to an inmate outside of a correctional center is comparable to or greater than that rendered within a correctional center. Therefore, this legislation will have an unknown operational impact for DOC with managing offenders on furlough.

DOC currently has 28 pregnant offenders in prison. Of these, 27 have been on some type of supervision. Nineteen did not succeed and are in prison for drug use/failing to provide a urine analysis, 21 are currently serving time for a drug offense, 1 is incarcerated for attempting to give her 5-month old child away, 1 has three children that have already been removed from her care, and 1 readily admits she had no doctor or prenatal care before prison.

ASSUMPTION (continued)

**DOC** states it is unknown if a physician will determine that the level of medical care rendered to an offender outside of a jail is sufficient for the healthcare of the offender and her unborn child. Therefore, the impact to the department for §221.525 is unknown.

**Oversight** does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's (unknown) impact to the General Revenue Fund for fiscal note purposes.

In response to a similar proposal (HCS for HB 1122), officials from the **St. Louis County Department of Justice Services** and **Springfield Police Department** stated the proposal would not have a direct fiscal impact on their organizations.

**Oversight** notes the no impact responses from the St. Louis County Department of Justice Services and the Springfield Police Department. However, there may be some county or city jails that may incur a cost to provide employees of the jail with training on the provisions of this bill or to develop specific procedures for the intake and care of prisoners who are pregnant. Therefore, the impact to local governments will be presented as \$0 or (Unknown).

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
<b>GENERAL REVENUE FUND</b>			
<u>Costs - DOC (§217.199)</u>			
Healthcare products expense	(\$143,065)	(\$175,970)	(\$180,369)
<u>Costs - DOC (§217.149 and 221.525)</u>			
Managing offenders on furlough (HA 2)	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(\$143,065 to</u> <u>Unknown)</u></b>	<b><u>(\$175,970 to</u> <u>Unknown)</u></b>	<b><u>(\$180,369 to</u> <u>Unknown)</u></b>

FISCAL IMPACT - Local Government

FY 2020  
(10 Mo.)

FY 2021

FY 2022

**LOCAL GOVERNMENT - COUNTY  
OR CITY JAILS**

Costs - (\$221.065)

Healthcare products expense

\$0 or  
(Unknown)

\$0 or  
(Unknown)

\$0 or  
(Unknown)

Costs - (\$221.520 and 221.523)

Costs for training and to develop  
procedures for the intake and care of  
pregnant prisoners (HA 2)

\$0 or  
(Unknown)

\$0 or  
(Unknown)

\$0 or  
(Unknown)

**ESTIMATED NET EFFECT ON  
LOCAL GOVERNMENT - COUNTY  
OR CITY JAILS**

\$0 or  
(Unknown)

\$0 or  
(Unknown)

\$0 or  
(Unknown)

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

§§217.199 and 221.065

This bill specifies that the Director of the Department of Corrections must ensure that tampons and sanitary napkins are available for free to offenders while they are confined in any of the department's correctional centers. The director must ensure that the products conform with applicable industry standards.

Additionally, every sheriff and jailer who holds a person in custody pursuant to a writ or process for a criminal offense must ensure that tampons and sanitary napkins are available for free to such person in custody, in a quantity that is appropriate for the health care needs of the person. The sheriff or jailer must ensure that the products conform with applicable industry standards.

FISCAL DESCRIPTION (continued)

§§217.149, 221.520, 221.523 and 221.525

This bill allows Department of Corrections female inmates who are in the last trimester of pregnancy or throughout an at-risk pregnancy to be considered for a pregnancy furlough if the chief medical administrator verifies that the medical care the inmate would receive outside the correctional center is sufficient for the health care needs of the inmate and her unborn child. A probation or parole officer must develop a plan of community supervision to monitor the inmate's activities while on furlough, and the plan must be approved by the chief administrative officer. The bill specifies what the plan must include. The correctional center placing the inmate on furlough will be responsible for monitoring the inmate while she is on furlough. The chief administrative officer may terminate the furlough at any time during the furlough period for any violation of the furlough conditions (Section 217.149, RSMo).

By September 1, 2019, all county and city jails shall develop specific procedures for the intake and care of prisoners who are pregnant. These required procedures are specified in the bill and include the postpartum recovery period as determined by a physician (Sections 221.520 and 221.523).

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  
Joplin Police Department  
Springfield Police Department  
St. Louis County Department of Justice Services



Kyle Rieman  
Director  
April 4, 2019

Ross Strobe  
Assistant Director  
April 4, 2019