

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2250-01
Bill No.: HB 1078
Subject: Probation and Parole; Prisons and Jails; Crimes and Punishment
Type: Original
Date: May 1, 2019

Bill Summary: This proposal authorizes the early release of certain offenders over the age of sixty-five.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2029)
General Revenue	\$26,196	\$32,064	\$45,787	\$105,190
Total Estimated Net Effect on General Revenue	\$26,196	\$32,064	\$45,787	\$105,190

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2029)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2029)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2029)
Total Estimated Net Effect on FTE	0	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	Fully Implemented (FY 2029)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§217.696 - Early parole of certain offenders over age 65

Officials from the **Department of Corrections (DOC)** state this legislation proposes the parole board hold a parole hearing for offenders who have served 30 years or more, are serving a sentence with a no parole restriction of 50 years or more, and who are 65 or older. The statute excludes sentences for 1st degree murder, 565.020, RSMo. Offenders released must serve at least five years on parole.

At the end of FY19, there are estimated to be 18 offenders who will be at least 65, who will have served 30 years or more, and who meet the criteria for consideration for release. There will be an additional 24 offenders who will become eligible between FY20 and FY29 after adjusting for expected deaths. In the last 10 years, there have been 18 deaths of offenders over 65 serving life without parole sentences.

It is difficult to estimate how many of these previously parole-ineligible offenders will be released upon the passage of this bill. However, considering the impact of HB 583 in 2007 that allowed life-without-parole offenders who had been the victims of domestic abuse to be paroled (five offenders were released) and the average time served of offenders serving parole-eligible life sentences for murder is about 26 years, it seems reasonable that some of the offenders who will become eligible for release will be paroled. The DOC estimates that in the first year following enactment of the legislation, five offenders will be paroled and, on average, one offender will be paroled in every subsequent year.

Because offenders serving a no parole for 50 years or more were sentenced under a statute that was repealed in 1979, the offenders are now elderly and no offenders are expected to be admitted under this statute, Capital Murder, 565.001, RSMo.

ASSUMPTION (continued)

Release of offenders 65 or older serving a sentence of Capital Murder

	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
Eligible	18	1	4	3	3	3	3	3	3	1
Releases	5	0	2	1	1	1	1	1	1	1
Cumulative										
Population										
Prison	-5	-5	-7	-8	-9	-10	-11	-12	-13	-14
Parole	5	5	7	8	9	10	11	12	13	14
P&P Officers	0	0	0	0	0	0	0	0	0	0

The total impact is expected to be a reduction in the prison population of 14 after 10 years and an increase of 14 in the parole population.

						Total cost for probation and parole	Grand Total - Prison and Probation (includes 2% inflation)
	fewer in prison	Cost per year	Total Savings for prison	# to probation & parole	Cost per year		
Year 1	(5)	(\$6,287)	\$26,196	5	absorbed	\$0	\$26,196
Year 2	(5)	(\$6,287)	\$32,064	5	absorbed	\$0	\$32,064
Year 3	(7)	(\$6,287)	\$45,787	7	absorbed	\$0	\$45,787
Year 4	(8)	(\$6,287)	\$53,375	8	absorbed	\$0	\$53,375
Year 5	(9)	(\$6,287)	\$61,247	9	absorbed	\$0	\$61,247
Year 6	(10)	(\$6,287)	\$69,414	10	absorbed	\$0	\$69,414
Year 7	(11)	(\$6,287)	\$77,882	11	absorbed	\$0	\$77,882
Year 8	(12)	(\$6,287)	\$86,661	12	absorbed	\$0	\$86,661
Year 9	(13)	(\$6,287)	\$95,761	13	absorbed	\$0	\$95,761
Year 10	(14)	(\$6,287)	\$105,190	14	absorbed	\$0	\$105,190

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

<u>FISCAL IMPACT -</u> <u>State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2029)
GENERAL REVENUE FUND				
Savings - DOC (\$217.696) Reduced incarceration costs	<u>\$26,196</u>	<u>\$32,064</u>	<u>\$45,787</u>	<u>\$105,190</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$26,196</u>	<u>\$32,064</u>	<u>\$45,787</u>	<u>\$105,190</u>
<u>FISCAL IMPACT -</u> <u>Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2029)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill specifies that any incarcerated offender 65 years of age or older who has no felony convictions for the offense of murder in the 1st degree and who is serving a sentence of life without parole for a minimum of 50 years or more must receive a parole hearing upon serving 30 years or more of his or her sentence.

The Parole Board must determine whether there is a reasonable probability that the offender will not violate the law upon release and therefore is eligible for release based upon a finding that the offender meets specified criteria.

Any offender who is not granted parole under these provisions must be eligible for reconsideration every two years until a presumptive release date is established.

FISCAL DESCRIPTION (continued)

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



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May 1, 2019

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Assistant Director
May 1, 2019