

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: #Updated
Date: May 6, 2019
#Updated to reflect a revised response from the Department of Corrections

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	\$41,913	\$64,127	\$78,492	\$195,352
#Total Estimated Net Effect on General Revenue	\$41,913	\$64,127	\$78,492	\$195,352

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 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 44 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 125 offenders who will become eligible between FY20 and FY29 after adjusting for expected deaths. In the last 10 years, there have been 89 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, eight offenders will be paroled and, on average, two offenders will be paroled in every subsequent year.

#The total impact is expected to be a reduction in the prison population of 30 after 10 years and an increase of 30 in the parole population.

ASSUMPTION (continued)

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	fewer in prison	Cost per year	Total Savings for prison	# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	(8)	(\$6,287)	\$41,913	8	absorbed	\$0	\$41,913
Year 2	(10)	(\$6,287)	\$64,127	10	absorbed	\$0	\$64,127
Year 3	(12)	(\$6,287)	\$78,492	12	absorbed	\$0	\$78,492
Year 4	(14)	(\$6,287)	\$93,405	14	absorbed	\$0	\$93,405
Year 5	(16)	(\$6,287)	\$108,884	16	absorbed	\$0	\$108,884
Year 6	(18)	(\$6,287)	\$124,944	18	absorbed	\$0	\$124,944
Year 7	(20)	(\$6,287)	\$141,604	20	absorbed	\$0	\$141,604
Year 8	(22)	(\$6,287)	\$158,879	22	absorbed	\$0	\$158,879
Year 9	(24)	(\$6,287)	\$176,789	24	absorbed	\$0	\$176,789
Year 10	(26)	(\$6,287)	\$195,352	26	absorbed	\$0	\$195,352

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

FISCAL IMPACT -
State Government

**#GENERAL
 REVENUE FUND**

#Savings - DOC
 (\$217.696)

Reduced incarceration costs	<u>\$41,913</u>	<u>\$64,127</u>	<u>\$78,492</u>	Fully Implemented (FY 2029) <u>\$195,352</u>
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**#ESTIMATED
 NET EFFECT ON
 THE GENERAL
 REVENUE FUND**

<u>\$41,913</u>	<u>\$64,127</u>	<u>\$78,492</u>	<u>\$195,352</u>
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FISCAL IMPACT -
Local Government

FY 2020
(10 Mo.)

FY 2021

FY 2022

Fully
Implemented
(FY 2029)

\$0

\$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

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.

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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