

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2323-03
Bill No.: HCS for HB 1122
Subject: Prisons and Jails; Department of Corrections
Type: Original
Date: April 2, 2019

Bill Summary: This proposal changes the law regarding the treatment of pregnant prisoners.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on General Revenue	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

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 5 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 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§§217.149, 221.520, and 221.523 - Pregnant prisoners

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 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.

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.

Oversight notes that the **St. Louis County Department of Justice Services** and **Springfield Police Department** have 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).

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.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE			
Costs - DOC (\$217.149)			
Managing offenders on furlough	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2020 (10 Mo.)	 FY 2021	 FY 2022
LOCAL GOVERNMENT - COUNTY OR CITY JAILS			
Costs - (\$221.520 and 221.523)			
Costs for training and to develop procedures for the intake and care of pregnant prisoners	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT - COUNTY OR CITY JAILS	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</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 allows Department of Corrections female inmates who are in the last trimester of 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 would be comparable or greater than the care that could be rendered within the center to the inmate. 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

FISCAL DESCRIPTION (continued)

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, 2018, 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
St. Louis County Department of Justice Services
Springfield Police Department



Kyle Rieman
Director
April 2, 2019

Ross Strobe
Assistant Director
April 2, 2019