

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2485-03
Bill No.: HCB No. 2
Subject: Crimes and Punishment; Prisons and Jails; Probation and Parole; Alcohol;
Lotteries; Law Enforcement Officers and Agencies
Type: Original
Date: April 8, 2019

Bill Summary: This proposal modifies provisions relating to criminal justice.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2023)
General Revenue	(Could exceed \$224,968)	(Could exceed \$264,828)	Could be less than \$89,620	Could be less than \$2,757,771
Total Estimated Net Effect on General Revenue	(Could exceed \$224,968)	(Could exceed \$264,828)	Could be less than \$89,620	Could be less than \$2,757,771

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2023)
Conservation Commission	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on Other State Funds	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 21 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2023)
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 2023)
General Revenue	1	1	1	2
Total Estimated Net Effect on FTE	1	1	1	2

☒ 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 2023)
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§217.149 - Furloughs for pregnant offenders

Officials from the **Department of Corrections (DOC)** state this legislation allows pregnancy furloughs if the chief medical administrator verifies that the level of medical care that will be rendered to the inmate outside the correctional center is comparable to or greater than that which could be rendered to the inmate within the correctional center. It is assumed 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. This will be an unknown operational impact for DOC with managing offenders on furlough.

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.

Officials from the **Office of Administration - Budget & Planning (OA/BAP)** state Section 217.149 addresses pregnancy furloughs. This provision does not impact total state revenue or the calculation under Title X, Section 18(e), therefore, OA/BAP assumes no fiscal impact.

Oversight notes that the **Office of State Courts Administrator (OSCA)** has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

§§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.

ASSUMPTION (continued)

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, FY22 and FY23. Oversight is extrapolating the costs of this section due to the costs in Section 558.043 not being fully implemented until FY23.

Oversight notes that the **Office of State Courts Administrator (OSCA)** has stated the proposal would not have a direct fiscal impact on their organization.

In response to similar legislation (HB 920), officials from the **Joplin Police Department** stated these items are already supplied in the jail, therefore, there would not be any fiscal impact to the department.

In response to similar legislation (HB 920), officials from the **Springfield Police Department** and **St. Louis County Department of Justice Services** stated 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 jails will be presented as \$0 or (Unknown).

ASSUMPTION (continued)

Officials from the **OA/BAP** state §§217.199 and 221.065 provide for the free provision of feminine healthcare products by both DOC and local county jails. These provisions do not impact total state revenue or the calculation under Title X, Section 18(e). OA/BAP defers to DOC on the cost of feminine healthcare products.

§221.520 and 221.523 - Intake and care of pregnant prisoners

Oversight notes that the **Department of Corrections** and **Office of State Courts Administrator** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **OA/BAP** state Sections 217.520 to 221.523 provides a directive that counties establish restraint regulations and specific procedures for pregnant prisoners. These provisions do not impact total state revenue or the calculation under Title X, Section 18(e). Therefore, OA/BAP assumes no fiscal impact.

Oversight notes 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).

§§311.060, 311.660, 313.220 - Activities extended to persons found guilty of criminal offenses

Oversight notes that the **Department of Corrections** and **Office of State Courts Administrator** have stated the proposal would not have a direct fiscal impact on their organizations.

Oversight notes that the **Department of Public Safety - Alcohol and Tobacco Control** and the **Missouri Lottery Commission** have each stated the proposal would not have a direct fiscal impact on their respective organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these sections.

Officials from the **OA/BAP** state Sections 311.060 to 313.220 revise statutes related to liquor control and lottery commission enforcement. The provisions disallow the prohibition of persons from participating in the sale of intoxicating liquor or sale of lottery tickets solely on the basis of the persons having been found guilty of a felony offense. These provisions do not impact total state revenue or the calculation under Title X, Section 18(e). Therefore, OA/BAP assumes no fiscal impact.

ASSUMPTION (continued)

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§§543.270 and 558.006 - Payment fines by offender

Officials at the **Office of the State Courts Administrator** assume an unknown impact.

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

Officials from the **OA/BAP** state Sections 543.270 and 558.006 revise the handling of court-ordered fines. These provisions do not impact total state revenue or the calculation under Title X, Section 18(e); therefore, OA/BAP assumes no fiscal impact.

In response to similar legislation (HCS HB 192), officials at the **Department of Corrections, Office of the State Public Defender, Office of Prosecution Services** and **Boone County Sheriff's Department** each assumed no fiscal impact to their respective agencies from this proposal.

In response to similar legislation (HB 192), officials at the **Jackson County Sheriff's Office** assumed no fiscal impact from this proposal.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight notes that removing the imprisonment option for persons who fail to pay fines and court costs may have a direct unknown negative impact on fine and fee collections as well as unknown savings on jail costs, depending upon actions/decisions of judges. Oversight will reflect a positive to negative unknown for locals in the fiscal note.

§558.043 - Allows court to depart from minimum sentencing provisions

Officials at the **Department of Corrections (DOC)** assume the bill will affect the imposition of a minimum prison term as defined in 558.019, RSMo. Because of the exclusions outlined in a new section 558.043, the minimum prison term will remain mandatory for most dangerous felonies (excluding DWI 6th offense), sexual offenses against children (statutory rape 1st and

ASSUMPTION (continued)

2nd degree, statutory sodomy 1st and 2nd degree and child molestation), and offenses where the offender was also found guilty of armed criminal action or any weapons offense in chapter 571. The impact of the bill is estimated to be the shorter time served by offenders when the mandatory prison term is not imposed, but who are now required to serve a minimum prison term of 40%, 50% or 80%. It should be noted that the minimum prison term is not imposed on drug offenses, and all sex offenses are excluded from the impact because of the requirement to complete the Missouri Sex Offender Program (MOSOP). If sex offenders complete MOSOP, they are released on or near their conditional release date, otherwise they are released on the completion of the sentence.

1. The impact of the change on the time offenders serve in prison will depend upon:

i) **The number of offenders who are sentenced to a minimum prison term for an eligible offense.**

In FY18, there were 1,773 offenders who had a parole hearing and were sentenced to a minimum prison term. The average sentence ranged from 5.5 years by offenders who had served one prior DOC incarceration and were required to serve 40% of the sentence to 6.4 years by offenders who had served three or more DOC incarcerations and were required to serve 80% of the sentence before parole eligibility.

ii) **The number of offenders who will not be required to serve the minimum prison term because of the courts' discretion.**

The number of offenders who the courts will decide not to mandate a minimum prison term is difficult to establish, but the DOC completed a study in 2015 on the courts practice in enhancing prison sentences when offenders have prior felony convictions under 558.016. The statute states that the courts may sentence a person who has been found to be a persistent offender to an authorized term of imprisonment for the offense that is one class higher than the offense for which the person is found guilty. The DOC study found that the courts imposed the enhanced sentence in 21% of cases. The DOC is, therefore, estimating that the courts will impose a minimum prison term in 21% of cases, and in 79% of cases the Board of Probation and Parole will determine the time served. In FY18, the DOC estimates that 1,401 offenders would have had their release date determined by the Board with this assumption.

ASSUMPTION (continued)

- iii) **The number of offenders who would have been required to serve a minimum prison term, but who are released by the Board of Probation and Parole after serving a shorter prison stay.**

The estimate of how many of the offenders who will no longer be required to serve a minimum prison term and will be released earlier is based upon the Board's calculation of a guideline release date. The Board has published guidelines that relate the percent of sentence to be served before parole to offender risk and to the severity of the offense. As offender risk and the severity of the offense increase, so does the time served. The Board uses the guideline date to assist it in deciding the appropriate time served.

In FY18, there were 1,773 planned releases of offenders who had been required to serve a minimum prison term, of which 552 (31.1%) are estimated to be offenders who could be released earlier. These are offenders who will be released on the MPT date and were not ASAP. ASAP offenders are offenders who had a guideline release date that was within the first 90 days of incarceration. This occurs when offenders are admitted with significant jail time that is credited to the time served. ASAP offenders (126) cannot be released on the guideline date because of the time required for the administrative tasks of holding a hearing and arranging for the release. The offenders who will be released after the MPT date (722) are high risk offenders and are also excluded from an early release if the MPT was removed.

The calculation of the reduction in the time served is the difference between the MPT and the average guideline time served multiplied by the number of offenders to be released on the MPT date. The DOC is offsetting this reduction in time served by adding back 35% of the reduction as an estimate of increased recidivism from a longer period on parole. The estimate of 35% is the average time offenders discharged from parole in FY18 spent in prison after first release because their parole was revoked. After adding in the parole recidivism, the average reduction in time served is 0.8 years, resulting in a total reduction in the prison population of 466, which will be achieved by FY2023. The increase in the parole population is estimated to need an increase of one P&P officer.

ASSUMPTION (continued)

Change in prison admissions with the proposed legislation

	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
New Admissions										
Current Law	552	552	552	552	552	552	552	552	552	552
After Legislation	552	552	552	552	552	552	552	552	552	552
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
Cumulative Populations										
Prison			-55	-466	-466	-466	-466	-466	-466	-466
Parole			55	466	466	466	466	466	466	466
Probation										
Impact										
Prison Population			-55	-466	-466	-466	-466	-466	-466	-466
Field Population			55	466	466	466	466	466	466	466
Population Change										
P&P Officers + or -		0	0	1.0	1.0	1.0	1.0	1.0	1.0	1.0

If this impact statement has changed from statements submitted in previous years, it is because the DOC has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2019 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 57 probation and parole districts. When projecting the impact for each probation and parole district, DOC uses actual caseload dispersion data to determine the caseload impact per district, and therefore project the number of officers needed when adding at least 51 offender cases in a district.

ASSUMPTION (continued)

The DOC cost of incarceration is \$17.224 per day or an annual cost of \$6,287 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

	# to/from prison	Cost per year	Total Costs of prison (includes 2% inflation per year starting in year 2)	Change in number of Probation & Parole Officers	Probation & Parole Officer Cost per Year	Grand Total Prison & Probation	# of Offenders to/from Probation & Parole
Year 1 (10 mo)	0	(\$6,287)	\$0	0	\$0	\$0	0
Year 2	0	(\$6,287)	\$0	0	\$0	\$0	0
Year 3	-55	(\$6,287)	\$359,755	0	\$0	\$359,755	55
Year 4	-466	(\$6,287)	\$3,109,066	1	(\$75,732)	\$3,033,333	466
Year 5	-466	(\$6,287)	\$3,171,247	1	(\$76,716)	\$3,094,531	466
Year 6	-466	(\$6,287)	\$3,234,672	1	(\$77,715)	\$3,156,957	466
Year 7	-466	(\$6,287)	\$3,299,365	1	(\$78,733)	\$3,220,633	466
Year 8	-466	(\$6,287)	\$3,365,353	1	(\$79,766)	\$3,285,586	466
Year 9	-466	(\$6,287)	\$3,432,660	1	(\$80,817)	\$3,351,843	466
Year 10	-466	(\$6,287)	\$3,501,313	1	(\$81,887)	\$3,419,426	466

Oversight assumes this legislation will result in a long term cost avoidance starting in FY22 with full implementation by FY23 of \$3,109,066, partially offset by the need for an additional Probation and Parole Officer. The ten year impact in FY29 would be a net cost avoidance of \$3,419,426 to DOC. DOC assumed, depending on the distribution of the 466 fewer prisoners among the adult institutions, there would not be a resulting reduction in Corrections Officers FTE.

Officials from the **Missouri Office of Prosecution Services (MOPS)** state making proposed Section 558.043 retroactive to persons already incarcerated in the Department of Corrections will create additional responsibilities for and create greater demand on the resources of county prosecutors. This is because the hundreds of current inmates who may be eligible for a hearing will request hearings. Judges will have to schedule hearings where prosecutors, the incarcerated person and victims can be heard (to comply with their Missouri constitutional and statutory

ASSUMPTION (continued)

victims' rights to be heard on sentencing/release) on whether the applicant does indeed meet the requirements for a lesser sentence and earlier release. The creation of these new hearings will have a negative fiscal impact on local prosecutors' offices although the cost is difficult to determine.

Oversight does not have any information to the contrary. Oversight will reflect \$0 to (Unknown) costs to local prosecutors' offices for fiscal note purposes.

Officials from the **OA/BAP** state Sections 558.043 through 577.010 addresses the court's ability to depart from minimum sentencing, probation conditions, limits on alcohol and substance use testing, and lowers from two years to eighteen months the probation for a DWI first offense. These provisions do not impact total state revenue or the calculation under Title X, Section 18(e). OA/BAP defers to DOC on the cost impacts.

Oversight notes that the **Office of State Courts Administrator** has stated the proposal would not have a direct fiscal impact on their organization.

In response to similar proposal (HB 113), officials from the **Department of Social Services** assumed no fiscal impact to their respective agencies from this proposal.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

§§559.016 and 559.600 - Probation

Oversight notes that the **DOC** and **OSCA** have each stated these sections would not have a direct fiscal impact on their respective organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

Oversight contacted the DOC regarding the changes to the language in §559.016. The DOC stated the term of probation for misdemeanors (unless sexual in nature) or a municipal ordinance violation would not affect the DOC.

Oversight also contacted DOC and OSCA to obtain a listing and/or the number of private probation services in addition to the number of offenders utilizing the service. DOC officials stated the statute that permits private probation allows courts to contract to provide supervision to clients, therefore, DOC would not have this information. In addition, OSCA is not able to reliably provide a list of court-approved entities that provide private probation supervision services. Circuit courts are responsible for contracting with the companies that provide this type of service. Courts enter the probation record but can not tell if a private probation supervision services company is being used by an offender.

ASSUMPTION (continued)

§577.010 - Driving while intoxicated

Oversight notes that the **Department of Transportation, DOC** and **OSCA** have each stated the proposal would not have a direct fiscal impact on their respective organizations.

In response to similar legislation (HB 912), officials from the **Department of Mental Health, Department of Revenue, Department of Public Safety - Missouri State Highway Patrol, Joplin Police Department, Springfield Police Department, St. Louis County Department of Justice Services** and **St. Louis County Police Department** stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§590.650 - Fourth Amendment Affirmation Act

Officials from the **Attorney General's Office (AGO)** estimate potential costs of this proposal will require one additional Assistant Attorney General II (AAG) to implement the additional obligations of certifying, monitoring and studying law enforcement agency's discriminatory policing policies. This estimate may increase or decrease based on the number of agencies the AGO is required to annually certify, monitor, and study.

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

Officials from the **Department of Conservation (MDC)** assume an unknown fiscal impact to the department but likely less than \$100,000 due to training and staff time for reporting requirements.

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

Officials from the **OA/BAP** state Section 590.650.7(6) imposes a maximum penalty of 25% annual general operating revenue from fines, bond forfeitures, and traffic violation court costs if after six years of review, a law enforcement agency does not address discriminatory policing practices. Penalties would be deposited into GR and earmarked for the Peace Officers Standards and Training Commission.

ASSUMPTION (continued)

The aforementioned review will only begin after three consecutive years of reporting a significant disparity (the ratio of minority to white stops > 125% state disparity) in police stops. Therefore, any increase to total state revenue would not be for at least nine years and would be dependent upon a law enforcement agency making no attempt to address discriminatory policing practices for that entire period.

Oversight notes, based on the OA/BAP response, it will be at least nine years before any revenue would be deposited into General Revenue which would only occur if the law enforcement agency made no attempt to address discriminatory policing practices. Oversight assumes the potential fiscal impact to local law enforcement is beyond the timeline scope of this note.

Oversight notes that the **Department of Corrections** has stated the proposal would not have a direct fiscal impact on their organization.

In response to similar legislation (HB 484), officials from the **Joplin Police Department** stated this could have a negative fiscal impact. By using the current formula for calculating disparities, there is very seldom an agency that does not show a disparity. This does not mean that there are issues with the agency. The way this bill is worded, it could cause additional work as well as negatively impacting the agency when there is probably no issue with the agency. By requiring the documentation of consent searches, this will cause more time to be spent on car stops.

Oversight is unable to project a statewide cost; therefore, the impact to local law enforcement will be presented as \$0 to (Unknown).

In response to similar legislation (HB 484), officials from **Department of Social Services** stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

Bill as a whole

Oversight notes that the **Department of Natural Resources, Department of Labor and Industrial Relations, Department of Revenue, Department of Mental Health, Department of Public Safety - (Office of the Director, Alcohol and Tobacco Control, Missouri Highway Patrol), Lottery Commission, Department of Transportation, Office of Administration - Division of Personnel, State Public Defender's Office and St. Louis County Department of Justice Services** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight

ASSUMPTION (continued)

will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other counties, 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.

FISCAL IMPACT -
State Government

	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2023)
GENERAL REVENUE FUND				
<u>Costs</u> - DOC (\$217.149)				
Managing offenders on furlough	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs</u> - DOC (\$217.199)				
Healthcare products expense	(\$143,065)	(\$175,970)	(\$180,369)	(\$184,878)
<u>Costs</u> - DOC (\$558.043)				
Personal service	\$0	\$0	\$0	(\$38,764)
Fringe benefits	\$0	\$0	\$0	(\$24,806)
Expense and equipment	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$12,162)</u>
<u>Total Costs</u> - DOC	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$75,732)</u>
FTE Change - DOC	\$0	\$0	\$0	1 FTE
<u>Savings</u> - DOC (\$558.043) - net reduction in prison population vs. increase in probation population	<u>\$0</u>	<u>\$0</u>	<u>\$359,755</u>	<u>\$3,109,066</u>
<u>Total Costs/Savings-</u> <u>DOC</u>	<u>(Could exceed</u> <u>\$143,065)</u>	<u>(Could exceed</u> <u>\$175,970)</u>	<u>Could be less</u> <u>than \$179,386</u>	<u>Could be less</u> <u>than \$2,848,456</u>

FISCAL IMPACT -
State Government

	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2023)
GENERAL REVENUE FUND (continued)				

Costs - AGO
(\$590.650)

Personal service	(\$42,083)	(\$51,005)	(\$51,515)	(\$52,030)
Fringe benefits	(\$23,333)	(\$28,153)	(\$28,309)	(\$28,466)
Equipment and expense	<u>(\$16,487)</u>	<u>(\$9,700)</u>	<u>(\$9,942)</u>	<u>(\$10,189)</u>
Total Costs - AGO	<u>(\$81,903)</u>	<u>(\$88,858)</u>	<u>(\$89,766)</u>	<u>(\$90,685)</u>
FTE Change - AGO	1 FTE	1 FTE	1 FTE	1 FTE

Loss - OSCA
(§§543.270 and
558.006)

Reduction in collection of fines from offenders	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
---	-------------------------	-------------------------	-------------------------	-------------------------

**ESTIMATED NET
EFFECT ON THE
GENERAL
REVENUE FUND**

	<u>(Could exceed</u> <u>\$224,968)</u>	<u>(Could exceed</u> <u>\$264,828)</u>	<u>Could be less</u> <u>than \$89,620</u>	<u>Could be less</u> <u>than \$2,757,771</u>
--	---	---	--	---

Estimated Net FTE
 Change for General
 Revenue

1 FTE	1 FTE	1 FTE	2 FTE
-------	-------	-------	-------

FISCAL IMPACT -
State Government

	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2023)
CONSERVATION COMMISSION FUND				

Costs - MDC
 (\$590.650)

Increased training costs	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
--------------------------	----------------------------------	----------------------------------	----------------------------------	----------------------------------

**ESTIMATED NET
EFFECT TO THE
CONSERVATION
COMMISSION
FUND**

<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
----------------------------------	----------------------------------	----------------------------------	----------------------------------

FISCAL IMPACT -
Local Government

**LOCAL
 GOVERNMENT -
 COUNTY OR
 CITY JAILS**

Savings -

(§§543.270 and
 558.006)

Reduction in jail
 time for non-
 payment offenders

FY 2020
 (10 Mo.)

FY 2021

FY 2022

Fully
 Implemented
 (FY 2023)

Unknown

Unknown

Unknown

Unknown

Costs - (§221.065)

Healthcare
 products expense

\$0 or (Unknown) \$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

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

Loss - (§§543.270
 and 558.006)

Reduction in fine
 and fee collections

(Unknown)

(Unknown)

(Unknown)

(Unknown)

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

Unknown to
(Unknown)

Unknown to
(Unknown)

Unknown to
(Unknown)

Unknown to
(Unknown)

<u>FISCAL IMPACT -</u> <u>Local Government</u> (continued)	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2023)
--	---------------------	---------	---------	-----------------------------------

**LOCAL
GOVERNMENT -
COUNTY
PROSECUTORS**

Costs - County
Prosecutors
(\$558.043)

Increase in hearings	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
-------------------------	-------------------------	-------------------------	-------------------------	-------------------------

**ESTIMATED NET
EFFECT ON
LOCAL
GOVERNMENT -
COUNTY
PROSECUTORS**

<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
-----------------------------	-----------------------------	-----------------------------	-----------------------------

**LOCAL
GOVERNMENT -
POLICE
DEPARTMENTS**

Costs - Police
Departments
(\$590.650)

Increased workload	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
-----------------------	-------------------------	-------------------------	-------------------------	-------------------------

**ESTIMATED NET
EFFECT ON
LOCAL
GOVERNMENT -
POLICE
DEPARTMENTS**

<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
-----------------------------	-----------------------------	-----------------------------	-----------------------------

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.

§§543.270 and 558.006

Currently, associate circuit judges have the ability to commute fines and costs against defendants who are unable to pay when the defendant requests to be imprisoned in the county jail. The fine shall be credited at the rate of \$10 for each day's imprisonment. This bill repeals that language.

The bill also repeals language that allows the court, upon a motion by the prosecuting attorney or by its own motion, to require a defendant to show cause as to why he or she should not be imprisoned for failure to pay and allows the court to imprison such defendant, if no good cause is shown, for various lengths depending on whether the offense was a misdemeanor or a felony.

Instead, when a defendant fails to pay a fine or an installment, the fine or installment may be collected by any means authorized for the enforcement of money judgments.

§558.043

The bill specifies conditions under which a court may depart from the applicable minimum term of imprisonment.

§590.650

This bill establishes various provisions related to the prohibition against discriminatory policing.

The bill adds to the information about which an officer is required to report each time he or she stops a driver of a motor vehicle, and it adds to the Attorney General's responsibilities regarding the analyzing of annual reports compiled by each law enforcement agency relating to discriminatory policing.

FISCAL DESCRIPTION (continued)

The bill requires each law enforcement agency to adopt a policy on discriminatory policing, as well as a policy eliminating discriminatory policing in the administration of consent searches, and it provides what such policy shall accomplish.

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

Attorney General's Office
Department of Natural Resources
Department of Corrections
Department of Labor and Industrial Relations
Department of Revenue
Department of Mental Health
Department of Public Safety -
Department of Social Services
Lottery Commission
Department of Conservation
Department of Transportation
Missouri Office of Prosecution Services
Office of Administration - Budget & Planning
Office of Administration
Office of State Courts Administrator
State Public Defender's Office
St. Louis County Department of Justice Services
Joplin Police Department
Springfield Police Department
St. Louis County Police Department



Kyle Rieman
Director
April 8, 2019

Ross Strobe
Assistant Director
April 8, 2019