

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0457H.04C
Bill No.: HCS for SS for SB 212
Subject: Corrections, Department of; Law Enforcement Officers and Agencies; Courts;
Probation and Parole; Prisons and Jails; County Officials; Gambling
Type: Original
Date: May 6, 2021

Bill Summary: This proposal changes the law regarding corrections.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue*	Could exceed (\$13,521,986)	Could exceed (\$16,361,553)	Could exceed (\$16,695,765)
Total Estimated Net Effect on General Revenue	Could exceed (\$13,521,986)	Could exceed (\$16,361,553)	Could exceed (\$16,695,765)

*The impact to the General Revenue Fund consists of the following: (1) interest proceeds being credited to the Inmate Canteen Fund instead of the General Revenue Fund (2) the number of prisoners/patients utilizing the MAT system and the medications used and (3) the discretionary granting of jail time credit.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Deputy Sheriff Salary Supplemental Fund (0913)	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Inmate Canteen Fund*	\$25,471	\$30,565	\$30,565
Total Estimated Net Effect on <u>Other</u> State Funds	Could exceed \$25,471	Could exceed \$30,565	Could exceed \$30,565

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	0 to (45) FTE	0 to (45) FTE	0 to (45) FTE
Total Estimated Net Effect on FTE	0 to (45) FTE	0 to (45) FTE	0 to (45) FTE

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act.

☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Due to time constraints, **Oversight** was unable to receive some agency responses in a timely manner and performed limited analysis. Oversight has presented this fiscal note on the best current information that we have or on information regarding a similar bill(s). Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note.

§§56.380, 56.455, 105.950, 149.071, 149.076, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 558.026, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 566.145, 571.030, 575.205, 575.206, 589.042, 595.209, 650.055, and 650.058 – Department of Corrections

In response to a previous similar versions, officials from the **Department of Corrections** and the **Office of the State Courts Administrator** each assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies for these sections.

§§50.327 and 57.317 – Sheriff's compensation in certain counties

In response to similar legislation (HB 1132), officials from **Cole County** stated Cole County would incur a negative fiscal impact of approximately \$42,740 in additional salary and \$3,462 in additional benefits, for a total of approximately \$46,202 annually. This impact is for the first year; subsequent years may see an increase.

Oversight does not have sheriff salary information by county to determine how much of an increase in county budgets would result from this proposal. Oversight has contacted the Department of Public Safety and the Missouri Sheriff's Association for more information. §57.318 has been added to include salary information for 3rd and 4th class county sheriffs that was not in prior proposals from other years. Oversight assumes there could be an increase in sheriff's salaries but is unclear by how much. Therefore, until more information becomes available from other counties and sheriff departments, Oversight will reflect an unknown cost to county budgets for sheriffs.

Oversight notes the current salary for an Associate Circuit Judge is \$145,334. Therefore, the following percentages (for sheriffs' salaries) would apply.

Associate Circuit Judge	100%	\$145,334
1 st & 2 nd Class counties	80%	\$116,267
3 rd & 4 th Class counties	45%	\$65,400
	50%	\$72,667
	55%	\$79,934
	60%	\$87,200
	65%	\$94,467

These sections have an effective date of January 1, 2022.

§§57.280 and 488.435 – Service of process

In response to similar legislation from 2021 (HB 748), officials from the **Office of State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to similar legislation from 2021 (HB 748), officials from the **Office of the State Treasurer** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

Oversight notes the provisions of this bill state the court clerk shall collect \$10 as a court cost for service of any summons, writ, subpoena, or other order of the court when any person other than a sheriff is specially appointed to serve in a county that receives funds from the Deputy Sheriff Salary Supplementation Fund. These funds will be deposited in the Deputy Sheriff Salary Supplementation Fund. Oversight is unclear how many cases will be assessed this fee. Therefore, Oversight will reflect a \$0 to unknown positive fiscal impact to Deputy Sheriff's Salary Supplement Fund from this proposal.

§191.1165- Medication assisted treatment

Officials from the **Department of Corrections (DOC)** state Medication Assisted Treatment (MAT) uses a combination of medication, counseling, and behavioral treatment to treat substance use disorders. As written, this bill requires the DOC to provide MAT services, to include the following medications, to offenders diagnosed with substance use disorders.

- (1) Buprenorphine [tablets];
- (2) Methadone;
- (3) Naloxone;
- (4) [Extended-release injectable] Naltrexone; and
- (5) Buprenorphine/naloxone combination

Currently, DOC's prison healthcare provider does administer Naloxone (brand name Narcan/Enzio), a medication that rapidly reverses the effects of opioids, to offenders who are believed to have overdosed. In addition, the DOC partners with the Gateway Foundation, Corizon and the Department of Mental Health – Division of Behavioral Health (DMH/DBH; provides funding through Recidivism Reduction (RR)-MAT) to offer MAT services (counseling/behavioral treatment, a Vivitrol injection prior to release to the community, and post-release Vivitrol injections in the community, if necessary) to DOC offenders that have participated in one of its substance use treatment programs prior to release. The other medications - buprenorphine, methadone, oral naltrexone and buprenorphine/naloxone combination are not being prescribed in DOC's prisons.

MAT has been shown to be a very effective means of treating those with substance use disorders; however, DOC's current contracts for healthcare services and substance use treatment services do not include MAT. Thus, if passed, this legislation would require the DOC to process amendments/rebids to add these services. Adding these services would have a significant fiscal impact on the DOC as additional funding would have to be appropriated to cover the increased contract costs.

At intake, 46% of Missouri's prison population report a history of prescription drug, illicit drug and/or alcohol use. Research indicates that approximately 58% of those confined in prisons have a substance use disorder (Connolly, 2019). It is reasonable to assume offenders likely under-reported their use at intake and that the true incidence is much closer to 58%. Therefore, this is the percentage that will be used to estimate the impact of this bill on the DOC.

Approximately 13,340 ($23,000 \times 58\%$) of the offenders incarcerated in Missouri prisons have a substance use disorder. Methamphetamine is still the most common drug of choice among the Missouri offender population; however, opioid use disorders are definitely on the rise and when paired with alcohol use disorders are conservatively estimated to affect 4,002 ($13,340 \times 30\%$) incarcerated offenders. What is unknown is how many of these 4,002 individuals would choose to participate in MAT services if given the opportunity.

Oversight contacted DOC officials regarding the assumption that 30% of incarcerated offenders are assumed to have both a drug use disorder and an alcohol use disorder. DOC officials indicated this is partially an educated guess based on offender information provided at the time they enter prison and partially a best guess. Since DOC cannot estimate the number of offenders that would choose to participate in MAT services, Oversight assumes costs are likely to exceed the lower estimate provided by DOC (as stated in the next paragraph) as that estimate is for the lowest cost medication.

DOC states, as indicated in the following table, the average medication costs to treat opioid/alcohol use disorders varies greatly depending on the medication prescribed. Assuming all 4,002 individuals diagnosed with opioid/alcohol use disorders chose to participate in the MAT program, the estimated annual cost for medications would range from \$1,000,500 - \$72,036,000.

MEDICATION	ESTIMATED ANNUAL COST PER OFFENDER	ESTIMATED ANNUAL COST TO TREAT 4,002 OFFENDERS WITH THIS MEDICATION
Buprenorphine (tablets)	\$1,000	\$4,002,000
Buprenorphine/Naloxone Combination (sublingual)	\$5,000	\$20,010,000
Naltrexone (tablets)	\$250	\$1,000,500
Naltrexone (extended release injectable)	\$18,000	\$72,036,000
Methadone	\$2,500	\$10,005,000

Other costs associated with this bill are the additional FTE the healthcare or substance abuse treatment services providers will have to employ to provide the required counseling and behavioral treatment services associated with MAT. As DOC's current contracts do not include a staffing pattern to support MAT department-wide, it is likely these costs would be passed on to the DOC. Also, DOC's prisons will either have to earn accreditation as Opioid Treatment Programs or contract with Opioid Treatment Programs to prescribe methadone to the offender population ([Certification of Opioid Treatment Programs, 42 Code of Federal Regulations \(CFR\) 8](#)). And finally, physicians, physician's assistants and nurse practitioners will have to complete additional training to prescribe Buprenorphine and Buprenorphine/Naloxone (combination). All of these considerations have an unknown fiscal impact on the department.

Oversight has no information to the contrary and assumes, for fiscal note purposes, that DOC MAT costs will, subject to appropriations, likely exceed \$1,000,500 annually (General Revenue).

Officials from the **Department of Mental Health (DMH)** state the DMH may be a state entity responsible for the care of detained persons under this bill as Not Guilty by Reason of Insanity (NGRI) or Incompetent to Stand Trial (IST) individuals are committed to DMH state hospitals pursuant to Chapter 552 while criminal charges are pending. DMH assumes this bill would require assessments for substance use disorders by qualified licensed physicians and Medication Assisted Treatment (MAT) if recommended for this population.

In a given year, DMH will have 23 individuals in contracted county jails for which probable cause has been found under the Sexually Violent Predator (SVP) act and approximately 233 individuals in county jails awaiting admission for restoration of competency in a criminal trial. DMH assumes evaluations and re-evaluations to be completed for these individuals will be conducted by existing DMH staff.

Medications	Dosing	Monthly Cost
Naltrexone (Vivitrol)	380mg once every 4 weeks	\$1,136
Oral Naltrexone	50 mg daily	\$19.58
Buprenorphine and Naloxone (Suboxone)	Buprenorphine 8mg/naloxone 2mg SL film once daily	\$114.00 (depends on product used)
Buprenorphine (Subutex)	8mg daily	\$37.31
Disulfiram (Antabuse)	250mg to 500mg daily	<ul style="list-style-type: none"> \$93.60 (250mg) \$402.00 (500mg)
Acamprosate (Campral)	666mg three times daily	\$108.00
Modafinil (Provigil)	200mg daily	\$23.70 (200mg)
Mirtazapine (Remeron)	15mg to 45mg daily	<ul style="list-style-type: none"> \$8.51 (15mg) \$10.75 (45mg)
Bupropion SR (Wellbutrin SR)	150mg to 300mg daily	<ul style="list-style-type: none"> \$13.31 (150mg) \$26.62 (300mg)
Gabapentin (Neurontin)	1800mg daily	\$6.93
Baclofen (Lioresal)	30mg to 80mg daily	<ul style="list-style-type: none"> \$8.70 (30mg) \$24.48 (80mg)
Topiramate (Topamax)	25mg to 400mg daily	<ul style="list-style-type: none"> \$2.28 (25mg) \$19.80 (400mg)

Estimated % with Alcohol Use Disorder (AUD) – 35%

Oral naltrexone would likely be the preferred medication because it is cheaper than the injectable form and not a controlled substance and most jails are ill equipped to handle controlled medications.

35% of 256 yearly total = 90

Estimated % with Opioid Use Disorder (OUD) – 10%

Oral naltrexone would likely be the preferred medication because it is cheaper than the injectable form and not a controlled substance and most jails are ill equipped to handle controlled medications.

10% of 256 yearly total = 26

Estimated Yearly Cost for Treatment

To treat the 116 individuals (90AUD + 26 OUD) for year would be:
 116 individual x \$19.58 oral naltrexone per month x 12 months = \$27,255 drug costs

Total cost would be \$22,712 for FY22, \$27,255 for FY23 and beyond.

Oversight has no information to the contrary and will present the costs provided by DMH for fiscal note purposes.

§217.195 – Prison canteen funds

In response to a previous version, officials from the **Office of the State Treasurer (STO)** stated §217.195.3(3) requires interest and moneys earned on such investments currently credited to the General Revenue Fund to be credited to the Inmate Canteen Fund.

Listed below are the average daily balances for the months of July through December 2020:

July	\$6,588,940
August	\$6,669,476
September	\$6,158,167
October	\$5,914,689
November	\$5,771,371
December	\$5,575,394
Total	\$36,678,037

The estimated average daily balance is \$6,113,006 ($\$36,678,037 / 6$). The STO's effective rate of return for FY 2021 is 0.5%. The estimated yield on state funds is 0.50 percent. If interest rates increase, the STO could increase its rate of return and the fiscal note would increase. Therefore, the estimated loss of interest to General Revenue is approximately \$25,471 for FY 2022 (10 months) and \$30,565 for FY 2023 and FY 2024 ($\$6,113,006 * 0.005$)

Officials from the **Department of Corrections (DOC)** do not expect a fiscal impact from this legislation as the Inmate Canteen Fund is currently operating within the proposed statutory guidelines. However, the addition of reentry services as an allowable expenditure will be subject to appropriation. Therefore, the impact for this legislation will be \$0 to (Unknown).

Oversight notes any unexpended balance in the pre-August 28, 2021, inmate canteen fund shall be transferred to the post-August 28, 2021, inmate canteen fund established under subsection 3 of §217.195. The balance in this fund at December 31, 2020, was \$5,779,967. This will allow for the DOC to include some additional allowable expenditures to this fund. For purposes of this fiscal note, Oversight will show a one-time transfer in and out of this fund of \$5.8 million in FY 2022.

§§217.199 and 221.065 – Hygienic products to offenders

Officials from the **Department of Corrections (DOC)** assume the proposal will have no fiscal impact on their organization. In FY20, the DOC was appropriated additional funding to support these costs.

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

Oversight contacted the DOC to determine the amount of funding appropriated to them for feminine hygiene products. From a new decision item beginning in FY 2020, the DOC was appropriated \$113,574 in General Revenue funds. This amount, combined with the \$114,774 in funding already within DOC's budget, brings the total department appropriations for feminine hygiene products to \$228,348 for FY 2020, FY 2021, and FY 2022 as no changes were made to the appropriation in FY 2021 or requested in FY 2022.

In response to similar legislation from 2021 (HB 318), officials from the **Boone County Sheriff's Department** stated these items are currently supplied to detainees at no cost and as needed or requested.

In response to similar legislation from 2021 (HB 318), officials from the **Cape Girardeau County Sheriff's Department** and the **Clay County Sheriff's Department** responded but did not provide a fiscal impact.

In response to similar legislation from 2021 (HB 318), officials from the **Lewis County Sheriff's Department** stated feminine products are provided at no cost to the inmate.

In response to similar legislation from 2021 (HB 318), officials from the **Ellisville Police Department** stated this will have a very minor impact but both reasonable and appropriate.

In response to similar legislation from 2021 (HB 318), officials from the **Crestwood Police Department** stated no discernible fiscal impact. The Crestwood Police Department already supplies these items when necessary.

In response to similar legislation from 2021 (HB 318), officials from **Clinton County**, the **Ellington Police Department**, the **Kimberling City Police Department**, and the **St. John Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

Oversight notes 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).

These sections of the bill contain an emergency clause.

§217.243 – Non-emergency medical examination of inmates

Officials from the **Department of Corrections (DOC)** state this proposal creates provisions relating to on-site nonemergency medical examinations of inmates. This legislation mandates a 50-cent copay be assessed to offenders for each nonemergency medical exam or treatment,

unless the offender is indigent. Co-pays are not charged for preventative care, emergency care, substance abuse treatment, mental health treatment, along with others.

Section 217.243 states that no inmate shall be denied needed medical treatment because of a lack of ability to pay. Inmates shall receive appropriate medical care based on their present need, without regard to financial status. Therefore, the department assumes this proposed legislation of charging a co-pay will likely generate minimal revenue.

This proposal could require additional administrative resources with determining whether a visit requires a co-pay, processing a green check for the co-pay, and determining indigent status. It is unknown at this time who would be required to process the co-pay, who would determine the indigent status, or how many additional staff would be needed to accommodate the increase in grievances and appeals this legislation may incur. Therefore, it is unknown how many additional staff and FTE would be needed for each site.

The department could likely see an increased number of indigent offenders and, therefore, additional hygiene and legal supplies would be required. The actual cost of this is unknown at this time.

According to this proposal, offenders will not be charged a co-pay for staff referrals. This may result in offenders going to non-medical staff with their medical issues, and non-medical staff being involved in making a determination for a referral. It is unknown how many offenders would require and seek non-emergency exams or treatments without a staff referral. Due to these circumstances, the department assumes an unknown cost/savings impact.

Oversight assumes the DOC would be able to absorb any additional responsibilities this section may have on the agency. Oversight also assumes the state would not receive a material amount of additional proceeds as a result of the 50 cents per medical visit charge. Oversight assumes the 50 cents charge would be handled entirely within the inmate's account within the correctional institution's system. For example, if the inmate spent 50 cents on a medical visit, this would reduce the amount available to be spent by the inmate in the institutional canteen. Therefore, Oversight will not reflect a direct fiscal impact to the state's General Revenue Fund from this proposal.

§217.845 – Funding from the federal Coronavirus Aid Relief and Economic Security (CARES) Act

Officials from the **Department of Corrections (DOC)** state §217.845 requires offenders to use any federal stimulus funding they received to make restitution payments ordered by the courts. Currently, the DOC collects court-ordered restitution when the prosecuting attorney sends a written order to collect restitution. This has already occurred with some of the stimulus checks received by offenders. It is unknown how many of these offenders could receive federal stimulus funding or how many offenders could be court ordered to pay restitution. The DOC does not believe this would impact any state, federal, or local funds.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's no impact estimate for fiscal note purposes.

§221.105 – DOC reimbursements to counties

In response to similar legislation from 2021 (SB 511), officials from the **Department of Corrections (DOC)** assumed the proposal will have no fiscal impact on their organization.

Oversight notes according to a hearing from September of 2019, DOC testified that the state owes approximately \$40 million to counties. It was estimated to reach \$45 million in FY 2020. There is a 9-month lag in payments by DOC to counties which are paid on a first-come, first-serve basis. This is a funding delay not a processing delay. Funding is made on a quarterly basis. The current reimbursement rate is \$22.58/day. According to the department budget request, program expenditures have totaled:

FY 2018	\$43,716,122 (actual)
FY 2019	\$43,330,190 (actual)
FY 2020	\$42,758,409; (actual)
FY 2021	\$52,080,948; (planned) and
FY 2022	\$58,080,948 (HB 9, 2021)

County billing requests are detailed by prisoner name and the number of days held. DOC audits the information and makes payment to the county.

Oversight does not have any information to the contrary. Oversight assumes by deleting the language in this section, there will not be a direct fiscal impact. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

§§313.800, 313.805, and 313.812 – Gaming facilities

Officials from the **Department of Public Safety – Missouri Gaming Commission** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

§558.031 – Credit for jail time awaiting trial

DOC states §558.031 alters language regarding jail time credit. It changes jail time credit to apply for after the conviction, rather than after the offense occurred and before the commencement of the sentence in the Department of Corrections. It states that the circuit court may award jail time credit. This will be applicable to offenses occurring on or after August 28, 2021.

The analysis estimates the potential impact of eliminating the opportunity to reduce prison sentence terms by issuing jail time credit for offenders who enter prison on new court commitments, court commitments on additional charges, probation revocation for new felony convictions, or technical probation revocations.

The table below shows that there were 4,858 such commitments from the court during FY 2020. This represents a significantly lower number from such commitments during fiscal years 2017 through 2019. Given the impact of COVID-19 on activity in the courts, the number of court commitments during FY 2019 is used to estimate the potential impact on department operations.

Table 1. Jail Time Credit on Sentences associated with court commitments to prison from FY 2017 through FY 2020.

Fiscal Year	Commitments	Average Sentence Credit Time (days)	Median Sentence Credit Time (days)
2017	6,734	184	132
2018	6,495	196	143
2019	5,797	199	147
2020	4,858	197	141

The average and median amounts of jail time, credit associated with sentences from court commitments were calculated as shown in table 1. Where an offender entered prison on more than one sentence, the most serious offense was used. Given that the averages of sentence credit time appears to be influenced by a small number of offenders with a relatively high number of days credit, DOC used the median sentence credit time to evaluate the potential impact on prison and field populations.

Where offenders entered prison on multiple sentences, the estimation of the jail time credit associated with the sentences was determining by using NCIC codes to rank sentences according the seriousness of the offense. Where sentences were served concurrently, the jail time credit associated with the most serious offense was applied. Where sentences were served consecutively, an aggregate count of jail time credit across sentences was applied.

A proposal to repeal the opportunity to apply jail time credit does not change sentence length, the only difference in operations evaluated here is the increase in length of an offender's prison stay prior to first release following a commitment from the court or probation revocation.

With an estimated 5,797 new offender commitments per year, serving an additional 147 days in prison prior to their first release, DOC could expect up to approximately 2,319 more people in prison and 2,319 fewer people under field supervision following repeal of jail time credit.

Table 2. Change in prison and field populations with change in legislation.

Change in prison admissions and probation openings with legislation

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	5,797	5,797	5,797	5,797	5,797	5,797	5,797	5,797	5,797	5,797
After Legislation	5,797	5,797	5,797	5,797	5,797	5,797	5,797	5,797	5,797	5,797
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	2,319	2,319	2,319	2,319	2,319	2,319	2,319	2,319	2,319	2,319
Parole	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319
Probation										
Impact										
Prison Population	2,319	2,319	2,319	2,319	2,319	2,319	2,319	2,319	2,319	2,319
Field Population	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319
Population Change	0	0	0	0	0	0	0	0	0	0

§575.150 – Resisting arrest

DOC states this proposal adds fleeing by operating a motor vehicle, resulting in pursuit by a law enforcement officer operating a motor vehicle, to the offense of resisting arrest, which is punishable as a class E felony.

Since this is a new offense, the department will use a standard class E felony response. For each new nonviolent class E felony, the department estimates one person will be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2024.

Change in prison admissions and probation openings with legislation-Class E Felony (nonviolent)

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
Prison	1	2	2	2	2	2	2	2	2	2
Parole			1	1	1	1	1	1	1	1
Probation	2	4	6	6	6	6	6	6	6	6
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9	9	9	9	9	9	9	9

Combined Impact

The cumulative impact on the department is estimated to be up to 2,321 additional offenders in prison and as many as 2,312 fewer offenders on field supervision by FY2024. Many of the provisions of this bill have an unknown impact; therefore, DOC's overall response is unknown.

Change in prison admissions and probation openings with legislation

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	5797	5797	5797	5797	5797	5797	5797	5797	5797	5797
After Legislation	5798	5798	5798	5798	5798	5798	5798	5798	5798	5798
Probation	0	0	0	0	0	0	0	0	0	0
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
Prison	2320	2321	2321	2321	2321	2321	2321	2321	2321	2321
Parole	-2319	-2319	-2318	-2318	-2318	-2318	-2318	-2318	-2318	-2318
Probation	2	4	6	6	6	6	6	6	6	6
Impact										
Prison Population	2320	2321	2321	2321	2321	2321	2321	2321	2321	2321
Field Population	-2317	-2315	-2312	-2312	-2312	-2312	-2312	-2312	-2312	-2312
Population Change	3	6	9	9	9	9	9	9	9	9

Oversight notes this legislation would still allow for the discretionary granting of jail time credit. Therefore, the projected impact will be \$0 to (\$15,637,445) by the year 2024.

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total savings for probation and parole	# to probation and parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	2,320	(\$7,756)	(\$14,994,933)	(45)	\$2,521,630	(2,317)	(\$12,473,303)
Year 2	2,321	(\$7,756)	(\$18,361,710)	(45)	\$3,058,477	(2,315)	(\$15,303,233)
Year 3	2,321	(\$7,756)	(\$18,728,944)	(45)	\$3,091,499	(2,312)	(\$15,637,445)
Year 4	2,321	(\$7,756)	(\$19,103,523)	(45)	\$3,124,855	(2,312)	(\$15,978,667)
Year 5	2,321	(\$7,756)	(\$19,485,593)	(45)	\$3,158,610	(2,312)	(\$16,326,983)
Year 6	2,321	(\$7,756)	(\$19,875,305)	(45)	\$3,192,766	(2,312)	(\$16,682,539)
Year 7	2,321	(\$7,756)	(\$20,272,811)	(45)	\$3,227,387	(2,312)	(\$17,045,424)
Year 8	2,321	(\$7,756)	(\$20,678,267)	(45)	\$3,262,355	(2,312)	(\$17,415,912)
Year 9	2,321	(\$7,756)	(\$21,091,833)	(45)	\$3,297,794	(2,312)	(\$17,794,039)
Year 10	2,321	(\$7,756)	(\$21,513,669)	(45)	\$3,333,588	(2,312)	(\$18,180,082)

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections 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 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be the DOC average district caseload across the state which is 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. 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 48 probation and parole districts.

The DOC cost of incarceration is \$21.251 per day or an annual cost of \$7,756 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.

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

In response to similar legislation from 2021 (HB 698), officials from the **Attorney General's Office**, the **Office of the State Courts Administrator**, and the **Crestwood Police Department**

each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Bill as a Whole

Officials from the **Department of Health and Senior Services**, the **Department of Public Safety – (Missouri Highway Patrol and Office of the Director)**, the **Department of Revenue**, the **Missouri Department of Transportation**, the **Missouri Office of Prosecution Services**, the **Office of the Governor**, the **Office of the State Public Defender**, the **Kansas City Police Department**, the **St. Joseph Police Department**, and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight does not have any information to the contrary. Therefore, Oversight 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, circuit clerks, county treasurers, St. Louis City, and police and sheriff's departments were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Savings – DOC (§§558.031 to 575.150) Decrease in P&P officers</u>	\$0 to...	\$0 to...	\$0 to...
Personal service	\$1,453,230	\$1,761,300	\$1,778,940
Fringe benefit	\$938,215	\$1,137,112	\$1,148,492
Equipment and expense	<u>\$130,185</u>	<u>\$160,065</u>	<u>\$164,067</u>
<u>Total savings -DOC</u>	<u>\$2,521,630</u>	<u>\$3,058,477</u>	<u>\$3,091,499</u>
FTE Change DOC p. 15	0 to (45) FTE	0 to (45) FTE	0 to (45) FTE
<u>Costs – DMH p. 7-8</u> <u>(§191.1165) MAT drugs</u>	(\$22,712)	(\$27,255)	(\$27,255)
<u>Costs – DOC p. 5-7</u> <u>(§191.1165) Increase in MAT drug and contract costs, contract costs and training</u>	\$0 to (Likely to exceed \$1,000,500)	\$0 to (Likely to exceed \$1,000,500)	\$0 to (Likely to exceed \$1,000,500)
<u>Costs – DOC (§217.195) Reentry services p. 9</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs – DOC (§§558.031 to 575.150) Increased incarceration costs p. 15</u>	\$0 to... (\$14,994,933)	\$0 to... (\$18,361,710)	\$0 to... (\$18,728,944)
<u>Loss - STO (§217.195) Reduction in interest revenue (now retained by the new Inmate Canteen Fund) p. 8</u>	(\$25,471)	(\$30,565)	(\$30,565)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>Could exceed</u> <u>(\$13,521,986)</u>	<u>Could exceed</u> <u>(\$16,361,553)</u>	<u>Could exceed</u> <u>(\$16,695,765)</u>
Estimated Net FTE Change for the General Revenue Fund	0 to (45) FTE	0 to (45) FTE	0 to (45) FTE

<u>FISCAL IMPACT – State Government (continued)</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
DEPUTY SHERIFF SALARY SUPPLEMENTAL FUND (0913)			
Revenue – (§§57.280 and 488.435) Fees assessed p. 4	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
NET EFFECT ON THE DEPUTY SHERIFF SALARY SUPPLEMENTAL FUND	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
INMATE CANTEEN FUND			
Income - STO p. 8 (§217.195) Interest Earned to fund instead of General Revenue Fund	\$25,471	\$30,565	\$30,565
Transfer-In to New - DOC (§217.195) Transfer-in from Canteen Fund post-August 28, 2021 p. 8	\$5,800,000	\$0	\$0
Transfer-Out from Old - DOC (§217.195) p. 8 Transfer-out from Canteen Fund pre-August 28, 2021	<u>(\$5,800,000)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON THE INMATE CANTEEN FUND	<u>\$25,471</u>	<u>\$30,565</u>	<u>\$30,565</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (6 Mo.)	FY 2023	FY 2024
LOCAL GOVERNMENT - COUNTY OR CITY JAILS			
<u>Cost</u> – (§§50.327 and 57.317) p. 3-4 Increase in salaries and benefits for county sheriffs	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – p. 9-10 (§221.065) Healthcare products expense	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT - COUNTY OR CITY JAILS	<u>(Unknown)</u>	<u>(Unknown)</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

SHERIFFS COMPENSATION IN CERTAIN COUNTIES (Section 50.327 and 57.317)

This bill repeals the base salary schedule for sheriffs contained in Section 59.317, RSMo, sets the salary for a county sheriff in a county of the first or second classification equal to 80% of the compensation of an associate circuit judge, and establishes a new salary schedule based on county assessed valuation levels and given percentages of the compensation of an associate circuit judge. The county sheriff in any county may not receive an annual compensation less than specified in this bill.

These sections have an effective date of January 1, 2022.

SERVICE OF PROCESS (Sections 57.280 and 488.435)

Currently, sheriffs and persons specially appointed to serve any summons, writ, subpoena, or other order of the court shall receive \$10 for each service, which the State Treasurer shall deposit into the Deputy Sheriff Salary Supplementation Fund. This bill provides that the court clerk shall collect \$10 as a court cost for service of any summons, writ, subpoena, or other order of the court when any person other than a sheriff is specially appointed to serve in a county that receives funds from the Deputy Sheriff Salary Supplementation Fund. The State Treasurer shall then deposit the funds into the Deputy Sheriff Salary Supplementation Fund.

MEDICATION ASSISTED TREATMENT (Section 191.1165)

Under this act, the Department of Corrections and all other state entities responsible for the care of persons detained or incarcerated in jails or prisons shall be required to ensure all such persons are assessed for substance abuse disorders; shall make available certain medication-assisted treatment services, consistent with a treatment plan developed by a physician; and shall not impose any arbitrary limitations on the type of medication or other treatment prescribed or dose or duration of the recommended services.

This act also modifies the list of covered medications to include formulations of buprenorphine other than tablets and formulations of naltrexone other than extended-release injectable formulations.

CRIMINAL PROCEEDINGS (Sections 558.011, 558.031, and 575.150)

This bill repeals certain authority to modify conditional release periods currently held by the Board of Probation and Parole and stipulates that time spent in prison, jail, or custody after conviction and before sentencing may be awarded as credit toward a sentence of imprisonment by a circuit court at the time that it pronounces sentence. This part of the bill applies to offenses occurring on or after August 28, 2021.

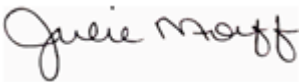
The bill also specifies that the offense of resisting arrest, detention, or stop by operating a motor vehicle and causing a pursuit by a law enforcement officer who is also operating a motor vehicle is a class E felony.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

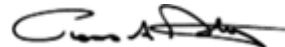
SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Health and Senior Services
Department of Mental Health

Department of Public Safety
Department of Revenue
Missouri Department of Transportation
Missouri Office of Prosecution Services
Office of the Governor
Office of the State Courts Administrator
Office of the State Public Defender
Office of the State Treasurer
Crestwood Police Department
Ellington Police Department
Ellisville Police Department
Kansas City Police Department
Kimberling City Police Department
St. John Police Department
St. Joseph Police Department
St. Louis County Police Department
Boone County Sheriff's Department
Cape Girardeau County Sheriff's Department
Clay County Sheriff's Department
Lewis County Sheriff's Department
Clinton County



Julie Morff
Director
May 6, 2021



Ross Strobe
Assistant Director
May 6, 2021