

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0939H.02C
Bill No.: HCS for HB 277
Subject: Probation and Parole; Corrections, Department of; Crimes and Punishment
Type: Original
Date: February 25, 2021

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2031)
General Revenue*	\$0 to \$64,633	\$0 to \$87,022	\$0 to \$96,832	\$0 to \$416,090
Total Estimated Net Effect on General Revenue	\$0 to \$64,633	\$0 to \$87,022	\$0 to \$96,832	\$0 to \$416,090

*Amounts reflect potential savings to the Department of Corrections

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2031)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2031)
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 2022	FY 2023	FY 2024	Fully Implemented (FY 2031)
General Revenue	0 FTE	0 FTE	0 FTE	1 FTE
Total Estimated Net Effect on FTE	0 FTE	0 FTE	0 FTE	1 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 or at full 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	Fully Implemented (FY 2031)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§217.697 – Early parole for certain offenders

Officials from the **Department of Corrections (DOC)** state this bill authorizes the early parole of certain offenders over the age of sixty-five.

To project the potential impact on the department over the next ten years, all offenders 56 years of age and older who meet the following conditions were considered:

- No conviction for a dangerous felony
- Not a convicted sex offender
- Offender is or will be 65 years or older by the time they have served at least 30 years in prison
- Serving a sentence of life without parole for a minimum of 50 years or more and was sentenced under section 565.008.

The total potential impact on the department could be up to an additional 54 offenders eligible for release over the next ten fiscal years.

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
Possible Release	10	1	1	5	5	2	6	3	7	14
Total	10	11	12	17	22	24	30	33	40	54

The proposed legislation does not involve new admissions to prison or probation cases; therefore, the total cumulative impact on the offender population is reflected in the transfer of incarcerated offenders to the field population.

Change in prison admissions and probation openings with legislation

	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	0	0	0	0	0	0	0	0	0	0
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	-10	-11	-12	-17	-22	-24	-30	-33	-40	-54
Parole	10	11	12	17	22	24	30	33	40	54
Probation	0	0	0	0	0	0	0	0	0	0
Impact										
Prison Population	-10	-11	-12	-17	-22	-24	-30	-33	-40	-54
Field Population	10	11	12	17	22	24	30	33	40	54
Population Change	0	0	0	0	0	0	0	0	0	0

	# fewer in prison	Cost per year	Total Savings for prison	Change in probation & parole officers	Cost per year for Probation and Parole	# to probation & parole	Grand Total – SAVINGS Prison and Probation (includes 2% inflation)
Year 1	(10)	(\$7,756)	\$64,633	0	\$0	10	\$64,633
Year 2	(11)	(\$7,756)	\$87,022	0	\$0	11	\$87,022
Year 3	(12)	(\$7,756)	\$96,832	0	\$0	12	\$96,832
Year 4	(17)	(\$7,756)	\$139,922	0	\$0	17	\$139,922
Year 5	(22)	(\$7,756)	\$184,698	0	\$0	22	\$184,698
Year 6	(24)	(\$7,756)	\$205,518	0	\$0	24	\$205,518
Year 7	(30)	(\$7,756)	\$262,035	0	\$0	30	\$262,035
Year 8	(33)	(\$7,756)	\$294,004	0	\$0	33	\$294,004
Year 9	(40)	(\$7,756)	\$363,496	0	\$0	40	\$363,496
Year 10	(54)	(\$7,756)	\$500,533	1	(\$84,443)	54	\$416,090

As this statute only states these offenders would become eligible to receive a parole hearing once the listed criteria is met, release would still be a decision for the Parole Board to make. Therefore, the impact could be none, should they choose not to release any additional offenders, all the way up to the above stated impact.

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.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2031)
GENERAL REVENUE FUND				
<u>Savings</u> – DOC (\$217.697) Decreased incarceration costs	\$0 to \$64,633	\$0 to \$87,022	\$0 to \$96,832	\$0 to \$500,533
<u>Costs</u> - DOC Change in P&P Officers				
Personal services	\$0	\$0	\$0	(\$42,383)
Fringe benefits	\$0	\$0	\$0	(\$27,363)
Equipment and expense	\$0	\$0	\$0	(\$14,697)
<u>Total costs</u> - DOC	\$0	\$0	\$0	(\$84,443)
FTE Change – DOC	0 FTE	0 FTE	0 FTE	1 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 to \$64,633</u>	<u>\$0 to \$87,022</u>	<u>\$0 to \$96,832</u>	<u>\$0 to \$416,090</u>
Estimated Net FTE Change for the General Revenue Fund	0 FTE	0 FTE	0 FTE	1 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2031)
	<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 prior felony convictions of a violent nature, who is not a convicted sexual offender, who is serving a sentence of life without parole for a minimum of 50 years or more, who was sentenced under Section 565.008, RSMo, for an offense committed prior to October 1, 1984, and who has not been sentenced to imprisonment for the duration of his or her natural life without the possibility of probation or parole must receive a parole hearing upon serving 30 years or more of his or her sentence.

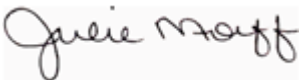
The Parole Board must determine whether there is a reasonable probability that the offender will not violate the law upon release and therefore is eligible for release based upon a finding that the offender meets specified criteria.

The bill requires any offender granted parole under these provisions to be placed on a minimum of five years supervision by the Division of Probation and Parole.

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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February 25, 2021



Ross Strobe
Assistant Director
February 25, 2021