

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1011H.06P
 Bill No.: Perfected HCS for HB Nos. 119, 372, 382, 420, 550 & 693
 Subject: Department of Corrections; Crimes and Punishment
 Type: Original
 Date: April 7, 2023

Bill Summary: This proposal modifies provisions relating to offenders in custody.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2030)
General Revenue*	Unknown to (Unknown)	\$0 or Unknown to (Unknown)	\$0 to (\$12,368,582)	\$0 to (\$22,354,591)
Total Estimated Net Effect on General Revenue	<u>Unknown to (Unknown)**</u>	<u>\$0 or Unknown to (Unknown)</u>	<u>\$0 to (\$12,368,582)</u>	<u>\$0 to (\$22,354,591)</u>

*Officials from the Department of Corrections (DOC) state this legislation would still allow for the discretionary granting of jail time credit and still allows for discretionary parole. Therefore, the DOC assumed a potential cost of \$0 to (\$22,354,591) as the DOC is unable to predict the Probation and Parole Board's decisions.

**Cost in FY 2024 reflects the design & development of a new system to track and calculate the good-time credits as described in the legislation. Potential savings in subsequent years reflect a potential reduction in the prisoner population. Oversight notes, in response to other legislation this year, DOC has used a per-inmate cost of \$9,499 to the General Revenue Fund per year.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2030)
Missouri Interstate Compact Act	Less than \$252,438	Less than \$302,925	Less than \$302,925	Less than \$302,925
Other State Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Legal Expense Fund (0692)***	\$0	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	Less than \$252,438	Less than \$302,925	Less than \$302,925	Less than \$302,925

***Revenue and expenditures net to zero.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2030)
Total Estimated Net Effect on All Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2030)
General Revenue	0 FTE	0 FTE	0 to 143 FTE	0 to 166 FTE
Total Estimated Net Effect on FTE	0 FTE	0 FTE	0 to 143 FTE	0 to 166 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 2024	FY 2025	FY 2026	Fully Implemented (FY 2030)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Repeals §217.810 and implements §§217.035, 217.650, 217.670, 217.710, 217.720, 548.241, 589.564, and 589.565 – Interstate Compact

Officials from the **Department of Corrections (DOC)** state this proposal introduces language that authorizes Missouri courts, upon petition of the state, to add conditions to the terms of supervision of offenders covered under the Interstate Compact. The bill also introduces language that authorizes the Division of Probation & Parole to impose sanctions and additional conditions in response to violations of the rules of conduct for offenders covered under the Interstate Compact. It also introduces a fee for application for an offender to request an interstate transfer, and it delineates certain funding to be used in activities involving offenders covered under the Interstate Compact for Adult Offender Supervision.

In 2022, Missouri submitted 2,884 outgoing transfers for Interstate Compact. This figure will be used to estimate the number of transfers in all subsequent years. Approximately 40% of transfers or 1,153 offenders (2,884 x .40) are projected to be indigent and would receive a waiver of the \$175 fee. The DOC assumes the remaining 1,731 offenders would be able to pay the \$175 application fee required for transfer.

Based on the estimate of approximately 1,731 offenders that would be able to pay the application fee, the department estimates that the Interstate Compact Fund could see \$302,925 (1,731 offenders x \$175) revenue deposited into the Missouri Interstate Compact Fund each year. These funds shall be used for the costs of administration of these provisions.

	Number of Interstate Compact Transfer Applications	Cost per Transfer	Total Revenue Collected
Year 1	1,731	\$175	\$252,438
Year 2	1,731	\$175	\$302,925
Year 3	1,731	\$175	\$302,925
Year 4	1,731	\$175	\$302,925
Year 5	1,731	\$175	\$302,925
Year 6	1,731	\$175	\$302,925
Year 7	1,731	\$175	\$302,925
Year 8	1,731	\$175	\$302,925
Year 9	1,731	\$175	\$302,925
Year 10	1,731	\$175	\$302,925

Oversight notes under current law, all necessary expenses accrued as a result of a person being returned to Missouri pursuant to the Interstate Compact for the Supervision of Parolees and Probationers shall be paid out of the state treasury. This act repeals this provision and provides that any person being returned to Missouri pursuant to the Interstate Compact for Adult Offender Supervision shall be paid out of either the "Missouri Interstate Compact Fund" or out of the state treasury.

Section 589.565 states a Missouri probationer or parolee requesting a transfer of their supervision through this compact shall pay a \$175 application fee and these moneys will be used for the sole benefit of the DOC in support of the administration of this section. Therefore, for purposes of this fiscal note, Oversight assumes transportation expenses will be paid out of the Missouri Interstate Compact Fund and will reflect a negative unknown cost to the fund. However, if the Missouri Interstate Compact Fund does not have moneys available due to the number of offenders granted a waiver of the transfer application fee, there could be an impact to the state treasury. In response to similar legislation from 2022 (HB 1896), officials from the Department of Corrections clarified that the state treasury is the General Revenue Fund. Therefore, Oversight will reflect a potential savings from the deletion of §217.810.4.

In response to similar legislation from 2023 (HB 420), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2022 (HB 1896), 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 these agencies.

House Amendment (HA) 2

§217.690 – Intervention fees

DOC assumes the proposal will have no fiscal impact as fees are waived for the first 90 days by current practice.

House Amendment (HA) 3

§334.104 – Collaborative practice arrangements

Officials from the **Department of Commerce and Insurance**, the **Department of Health and Senior Services**, and the **Department of Social Services** each assume the proposal will have no fiscal impact on their respective organizations.

DOC states §334.104 modifies provisions relating to geographic proximity requirements for nurses in collaborative practice arrangements with physicians. This will **not have a fiscal impact**

on the department; however, this would allow their contracted offender healthcare provider more flexibility in hiring nurse practitioners.

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

House Amendment (HA) 1

§506.400 and Section 1 – Wrongful conviction

Officials from the **Office of Administration (OA)** state this legislation specifies the measure of damages payable under the Legal Expense Fund (LEF) in cases of wrongful conviction. This change will be subject to judicial construction; therefore, the cost impact to the state is unknown.

Because this bill creates a possible new cause of action, **Oversight** will show a net \$0 direct fiscal impact for the LEF, and a possible \$0 to (unknown) fiscal impact to General Revenue and other state funds. Oversight notes this possible litigation exposure as described by OA could also apply to colleges and universities, federal funds, as well as local political subdivisions.

Officials from the **Attorney General’s Office (AGO)** state this bill will require the AGO to review additional payments from the Legal Expense Fund but will likely have no direct fiscal impact on the office. However, this bill will adversely impact the Legal Expense Fund in an unknown amount.

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

Officials from the **DOC** state §506.400 creates a civil cause of action allowing claimants to seek damages from the state for wrongful conviction. Because this amendment does not repeal §650.058, the department assumes it is still processing DNA payments. Therefore, this section will have **no impact** on the department.

Repeals §217.703 and implements §§217.147, 559.016, and 559.036

DOC states this proposal modifies provisions relating to earned discharge. Under section 559.036, the legislation requires the Division of Probation and Parole to file a notification of earned discharge from probation with the court if the defendant has completed at least twenty-four months of the probation term and is compliant with the terms of supervision. The division shall not file a notification of earned discharge for any defendant who has not paid the ordered restitution in full, is on a term of probation for any class A or class B felony, or is subject to lifetime supervision under sections 217.735 and 559.106. The legislation further sets out additional requirements for the notification to the circuit or prosecuting attorney and the court regarding their requirements in setting a hearing regarding earned discharge.

Parole Discharges

In FY 2022, 2,003 offenders who were not serving a consecutive sentence were discharged from their final parole supervision sentence without earned compliance credit. These offenders served, on average, 6.4 years of a 7.3 year sentence with the department (time served can vary from sentence length for non-ECC discharges due to the issuance of jail time credit and board early discharges.) In FY 2022, 2,621 offenders not serving a consecutive sentence were discharged from their final parole supervision sentence with earned compliance credit after having served, on average, 4.8 years of a 6.4 year sentence with the department.

FY 2022 Parole Discharges

	Offenders	Average Sentence	Average Time Served
Discharge	2,003	7.3	6.4
Earned Compliance Credit Discharge	2,621	6.4	4.8
Total	4,624	6.8	5.5

Parole discharges in FY 2022 without earned compliance credit served, on average, 88% of their sentence with the department. Parole discharges in FY 2022 with earned compliance credit served, on average, 75% of their sentence. The average proportion of sentence served with the department for all discharges from parole in FY 2022 was 81% of their sentence. To estimate the potential impact of the proposed legislation, DOC assumes all future parolees will serve 88% of their sentence with the department.

Probation Discharges

In FY 2022, 1,607 offenders not serving a consecutive sentence were discharged from their final probation supervision sentence without earned compliance credit after having served, on average, 3.6 years of a 6.3 year sentence with the department. In FY 2022, 4,347 offenders not serving a consecutive sentence were discharged from their final probation supervision sentence with earned compliance credit after having served, on average, 2.7 years of a 5.6 year sentence with the department.

FY 2022 Probation Discharges

	Offenders	Average Sentence	Average Time Served
Discharge	1,607	6.3	3.6
Earned Compliance Credit Discharge	4,347	5.6	2.7
Total	5,954	5.8	2.9

Probation discharges in FY 2022 without earned compliance credit served, on average, 57% of their sentence. Probation discharges in FY 2022 with earned compliance credit served, on average, 48% of their sentence. The average proportion of sentence served with the department for all discharges from probation was 50% of their sentence. To estimate the potential impact of the proposed legislation, DOC assumes all new probation cases will serve 57% of their sentence with the department.

Estimate of Future Impact

In FY 2022, 3,768 offenders were released for the first time from prison to parole supervision that was not lifetime supervision on sentences that would otherwise be eligible for early discharge under ECC. The average sentence length for these offenders was 6.6 years; and, they had served, on average, 2.9 years, or 44% of their sentence term in prison prior to first release. This is the proportion of sentence term the DOC uses to estimate time to first release of new admissions.

In FY 2022, there were 4,068 new court commitments to prison with no sentences that required lifetime supervision and either a most serious sentence that was eligible for ECC or a sentence eligible for ECC that was designated to be served consecutive to other sentences. The average length of these sentences was 7.0 years.

In FY 2022, 16,538 offenders were assigned to the department as new probation cases. Of those new cases, 15,628 did not have a class A felony sentence or a class B felony sentence (which would make them eligible for early discharge under the proposed legislation). The average sentence length for new probation cases with sentences eligible for consideration for early discharge was 5.2 years. To estimate the maximum potential impact of this proposal, DOC assumes that these offenders would serve 57% of their sentence with the department instead of the 48% that probation cases discharged with earned compliance credit serve.

The estimated cumulative impact of the proposed legislation is an additional 814 offenders in prison (due to an increased likelihood of revocation of offenders serving longer periods under parole supervision) and 8,494 additional offenders under field supervision by FY 2030. This legislation would still allow for the discretionary granting of jail time credit and still allows for discretionary parole. Therefore, the projected impact will be \$0 to (\$22,354,591).

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	4,068	4,068	4,068	4,068	4,068	4,068	4,068	4,068	4,068	4,068
After Legislation	4,068	4,068	4,068	4,068	4,068	4,068	4,068	4,068	4,068	4,068
Probation										
Current Law	15,628	15,628	15,628	15,628	15,628	15,628	15,628	15,628	15,628	15,628
After Legislation	15,628	15,628	15,628	15,628	15,628	15,628	15,628	15,628	15,628	15,628
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison				407	814	814	814	814	814	814
Parole				-407	-814	529	1,180	1,180	1,180	1,180
Probation			7,314	7,314	7,314	7,314	7,314	7,314	7,314	7,314
Impact										
Prison Population				407	814	814	814	814	814	814
Field Population			7,314	6,907	6,500	7,843	8,494	8,494	8,494	8,494
Population Change			7,314	7,314	7,314	8,656	9,307	9,307	9,307	9,307

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	0	(\$9,499)	\$0	0	\$0	0	\$0
Year 2	0	(\$9,499)	\$0	0	\$0	0	\$0
Year 3	0	(\$9,499)	\$0	143	(\$12,368,582)	7,314	(\$12,368,582)
Year 4	407	(\$9,499)	(\$4,102,729)	135	(\$10,651,921)	6,907	(\$14,754,650)
Year 5	814	(\$9,499)	(\$8,369,567)	127	(\$10,127,995)	6,500	(\$18,497,562)
Year 6	814	(\$9,499)	(\$8,536,958)	153	(\$12,424,438)	7,843	(\$20,961,396)
Year 7	814	(\$9,499)	(\$8,707,697)	166	(\$13,646,894)	8,494	(\$22,354,591)
Year 8	814	(\$9,499)	(\$8,881,851)	166	(\$13,669,053)	8,494	(\$22,550,904)
Year 9	814	(\$9,499)	(\$9,059,488)	166	(\$13,815,873)	8,494	(\$22,875,361)
Year 10	814	(\$9,499)	(\$9,240,678)	166	(\$13,964,540)	8,494	(\$23,205,218)

If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$26.024 per day or an annual cost of \$9,499 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$87.46 per day or an annual cost of \$31,921 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases 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.

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

In response to similar legislation from 2023 (HB 550), 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.

§§217.451 and 221.108 – Telephones in correctional facilities

DOC stipulates the total amount for a domestic phone call, including fees and any per-minute rate, shall not exceed the equivalent of twelve cents per minute. This will have no fiscal impact on the department. The DOC states the current phone services contract charges offenders \$0.05 per minute.

Repeals §217.785 - Missouri Postconviction Drug Treatment Program

In response to similar legislation from 2023 (SB 276), officials from the **Department of Corrections (DOC)** stated repealing §217.785 will have no financial impact on the department as the court still retains the authority to require an offender to participate in a non-institutional drug treatment program under §559.021 or may sentence an offender to a 120-day sentencing program under §559.036 or §559.115.

In response to similar legislation from 2023 (HB 119), officials from the **Office of the State Courts Administrator** 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 this part of the proposal.

§558.031 – Credit for jail time

DOC states this proposal modifies provisions relating to jail-time credit. The department is unable to project a fiscal impact due to not knowing the amount of “additional” credit that may be awarded.

Oversight notes the provisions of this proposal allow the court to award additional credit toward the service of a sentence of imprisonment by changing the beginning of the credit accrual to after the offense occurred. Therefore, Oversight will reflect a range of \$0 (no additional credit awarded) to DOC’s estimated unknown impact for fiscal note purposes.

In response to similar legislation from 2023 (HB 1133), officials from the **Office of the State Courts Administrator** 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 for this section of the proposal.

§558.041 – Good time credit

DOC states this proposal modifies provisions relating to good time credit for offenders committed to the Department of Corrections.

Currently, the department does not have an automated system that could track and calculate the good-time credits as described in the legislation. As such, the department is unable to project the impact to the prison population. However, it is assumed the legislation would decrease the number of individuals incarcerated.

Without automation to calculate the good-time credits, the department would have to calculate these credits by hand which would be additional work for Division of Adult Institutions Records Officers. It is unknown to the department how many additional staff may be needed in order to comply with the legislation.

In response to similar legislation from 2022 (HB 2397), DOC stated they would have to contract with a vendor to design and develop an automated system to track and calculate the good-time credits as described in this legislation and estimates the cost to be greater than \$250,000.

Oversight does not have any information contrary to that provided by DOC. Oversight assumes the IT system development will occur in FY 2024 and will reflect DOC's impact of (Unknown, greater than \$250,000) for FY 2024 and no programming impact in FY 2025 and subsequent years. Additionally, as this new program may decrease populations for DOC, Oversight will reflect a potential savings (\$0 or Unknown) in FY 2025 and FY 2026. Oversight notes, in response to other legislation this year, DOC has used a per-inmate cost of \$9,499 to the General Revenue Fund per year.

Bill as a Whole

In response to a previous version, officials from the **Kansas City Police Department** and the **St. Joseph Police Department** 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.

Responses regarding the proposed legislation as a whole, as amended

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Revenue**, the **Missouri Department of Transportation**, the **Missouri Office of Prosecution Services**, the **Office of the Governor**, the **City of Springfield**, the **Branson Police Department**, the **St. Louis County Police Department**, and the **Phelps County Sheriff's Department** 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.

<u>FISCAL IMPACT</u> <u>– State</u> <u>Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2030)
GENERAL REVENUE				
<u>Savings</u> – Removal of expense in deletion of §217.810.4 - Expenses now possibly paid from Missouri Interstate Compact Fund p. 5	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Savings</u> – DOC (\$558.031) Jail- time credit p. 10	\$0 to Unknown, Could exceed \$250,000	\$0 to Unknown, Could exceed \$250,000	\$0 to Unknown, Could exceed \$250,000	\$0 to Unknown, Could exceed \$250,000
<u>Savings</u> - DOC (\$558.041) Potential impact to the population relating to good time credit p. 10	\$0	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Cost</u> – DOC (\$558.041) To develop Good Time Credit for Offenders System p. 10-11	(Unknown, Greater than \$250,000)	\$0	\$0	\$0
<u>Cost</u> – DOC (\$559.036) p. 6-9			\$0 to...	\$0 to...
Personal service	\$0	\$0	(\$6,090,227)	(\$7,356,788)
Fringe benefits	\$0	\$0	(\$4,552,073)	(\$5,498,767)
Equipment and expense	\$0	\$0	(\$1,726,282)	(\$791,339)
Increased incarceration costs	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$8,707,697)</u>

<u>FISCAL IMPACT</u> – State Government (continued)	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2030)
<u>Total cost - DOC</u>	\$0	\$0	Up to (\$12,368,582)	Up to (\$22,354,591)
FTE Change - DOC	0 FTE	0 FTE	0 to 143 FTE	0 to 166 FTE
<u>Transfer Out - To Legal Expense Fund (\$506.400) for new claims (HA 1)</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>Unknown to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (\$12,368,582)</u>	<u>\$0 to (\$22,354,591)</u>
Estimated Net FTE Change to the General Revenue Fund	0 FTE	0 FTE	0 to 143 FTE	0 to 166 FTE
MISSOURI INTERSTATE COMPACT FUND				
<u>Revenue – DOC (\$589.565) p. 5 Transfer application fee</u>	\$252,438	\$302,925	\$302,925	\$302,925
<u>Cost – DOC (\$589.565) Transportation expenses p. 5</u>	(Unknown)	(Unknown)	(Unknown)	(Unknown)

NET EFFECT ON THE MISSOURI INTERSTATE COMPACT FUND	<u>Less than</u> <u>\$252,438</u>	<u>Less than</u> <u>\$302,925</u>	<u>Less than</u> <u>\$302,925</u>	<u>Less than</u> <u>\$302,925</u>
OTHER STATE FUNDS				
Cost - (\$506.400) Potential increase in transfer to LEF for new claims (HA 1)	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON OTHER STATE FUNDS	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
STATE LEGAL EXPENSE FUND (0692)				
Transfer In – from General Revenue, Federal and Other State Funds (HA 1)	<u>\$0 to</u> <u>Unknown</u>	<u>\$0 to</u> <u>Unknown</u>	<u>\$0 to</u> <u>Unknown</u>	<u>\$0 to</u> <u>Unknown</u>
Cost – (\$506.400) Payments to litigants – new claims (HA 1)	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON THE STATE LEGAL EXPENSE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2030)
	<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

EARNED DISCHARGE (Sections 217.147, 559.016, and 559.036)

The Division of Probation and Parole, within the Department of Corrections, shall file a notification of earned discharge from probation with the court for any eligible defendant who has completed at least two years of their probation term, paid restitution in full, and complied with the terms of their supervision, as determined by the Division's policies. Exceptions to eligibility are specified in the bill.

The prosecuting or circuit attorney must be notified when a notification of earned discharge is filed, and has 30 days to request a hearing. If the state opposes the discharge of the defendant, the attorney shall argue that earned discharge is not appropriate. The court must hold the hearing and issue its order no later than 60 days after the notification of earned discharge has been filed. If the court finds that earned discharge is not appropriate, they shall order that probation continue and may modify the conditions of continued probation.

If the prosecuting or circuit attorney does not request a hearing, and the court does not order one, the court shall order the defendant discharged from probation within 60 days of the filing of the notification of earned discharge from probation, but no earlier than 30 days from the filing.

The bill also repeals existing provisions related to earned credit.

CREDIT FOR JAIL TIME (Section 558.031)

This bill modifies provisions relating to credit toward the service of a sentence of imprisonment by changing the beginning of the credit accrual to after the offense occurred, as opposed to the current provision of after conviction. This credit must be based upon the certification of the sheriff, and may be supplemented by a certificate of a sheriff from another jurisdiction having held the person on the charge of the offense for which the sentence is ordered.

The court, when pronouncing sentence, may award additional credit for time spent in prison, jail, or custody before the commencement of the sentence for those in which the person was incarcerated, but for whom no detainer or warrant was served.

GOOD TIME CREDIT (Section 558.041)

This bill makes changes to the provisions authorizing offenders committed to the Department of Corrections to receive good time credit. Good time credit is time that once earned, shall be subtracted from the offender's minimum eligibility-for-release date. However, the accumulation of such credit does not require that the offender be released; the parole board retains discretion to determine the date of release. Under the provisions of this bill, any major conduct violation or the accumulation of minor conduct violations exceeding six in one year will result in the loss of all credit earned. No offender who has been sentenced to death or life without probation or parole is eligible for good time credit.

The Department shall award credit of 60 days for programs and activities to any qualifying offender who successfully:

- (1) Receives a high school diploma or equivalent, college diploma, or a vocational training certificate;
- (2) Completes an alcohol or drug abuse treatment program, excluding those treatment programs ordered by either the court or parole board;
- (3) Completes 1,000 hours of restorative justice; or
- (4) Completes other programs provided under the Department's policy.

MISSOURI INTERSTATE COMPACT FUND (Section 589.565)

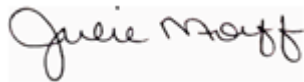
The bill specifies that a Missouri probationer or parolee seeking transfer of his or her supervision under the Interstate Compact for Adult Offender Supervision must pay a \$175 fee for each application, unless waived by the Compact Commissioner for an undue economic burden on the offender.

The bill establishes the "Missouri Interstate Compact Fund" and all fees collected by the Commissioners shall be paid to the Fund. The money in the fund must be used for the sole benefit of the Department of Corrections as specified in the bill.

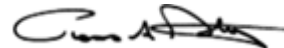
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Commerce and Insurance
Department of Corrections
Department of Health and Senior Services
Department of Public Safety
Department of Revenue
Department of Social Services
Missouri Department of Transportation
Missouri Office of Prosecution Services
Office of the Governor
Office of Administration
Office of the State Courts Administrator
Office of the State Treasurer
City of Springfield
Branson Police Department
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department
Phelps County Sheriff's Department



Julie Morff
Director
April 7, 2023



Ross Strobe
Assistant Director
April 7, 2023