

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2456H.03P  
 Bill No.: Perfected HCS for HB 1133  
 Subject: Department of Corrections; Prisons and Jails; Crimes and Punishment; Criminal Procedure  
 Type: Original  
 Date: March 28, 2023

Bill Summary: This proposal modifies provisions relating to jail-time credit.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
General Revenue*	Unknown	Unknown	Unknown
<b>Total Estimated Net Effect on General Revenue</b>	<b>Unknown</b>	<b>Unknown</b>	<b>Unknown</b>

\*Oversight assumes the fiscal impact (**savings**) could exceed the \$250,000 threshold. Oversight notes there were 106 new prison admissions for 1<sup>st</sup> and 2<sup>nd</sup> degree drug trafficking in FY 2022. To reach the \$250,000 threshold, a reduction of 27 prisoners would be required at the estimated incarceration rate of \$9,499 cost per year per prisoner.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- 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.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §558.031 – Credit for jail time

In response to a previous version (HCS HB 1133), officials from the **Department of Corrections (DOC)** stated 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 a previous version (HCS HB 1133), officials from the **Office of the State Courts Administrator**, the **Branson Police Department**, the **Kansas City Police Department**, the **St. Joseph Police Department**, the **St. Louis County Police Department**, and the **Phelps County Sheriff’s 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.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other circuit clerks and local law enforcement were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

#### House Amendment (HA) 1

**Oversight** assumes House Amendment 1 is a title change and will have no fiscal impact on state or local governments.

#### House Amendment (HA) 2

**Oversight** assumes HA 2 makes a technical correction and will have no fiscal impact on state or local governments.

#### House Amendment (HA) 3

#### §§579.065 and 579.068 – Trafficking drugs

In response to similar legislation from 2023 (HB 1176), officials from the **Department of Corrections (DOC)** stated this proposal modifies provisions relating to the offenses of

trafficking of drugs in the first and second degree. This bill intends to modify sections 579.065 and 579.068 to reduce the number of people eligible for sentencing as drug traffickers due to possession of and distributing substances that contain cocaine base.

Trafficking drugs in the first degree is a class B felony if the substance amount is eight grams or more, while a substance amount of twenty-four grams or more is considered a class A felony. Trafficking drugs in the second degree is a class C felony if the substance amount is eight grams or more, while a substance amount of twenty-four grams or more is a class B felony. Therefore, the intent of this bill is the removal of one class C felony, two class B felonies, and one class A felony.

**Section 579.065** - In FY 2022, there were 17 new prison admissions for 1<sup>st</sup> degree drug trafficking and 22 new probation cases for sentences of trafficking drugs in the first degree.

**Section 579.068** - In FY 2022, there were 89 new prison admissions for 2<sup>nd</sup> degree drug trafficking and 77 new probation cases for sentences of trafficking drugs in the second degree.

When an offender is sentenced to imprisonment, the department receives a sentence and judgement form which contains information on the conviction(s) of and sentence(s). Most sentence and judgement forms for drug-related offenses do not notate the type or amount of the drug associated with the conviction. Given that the drug associated with the offense, and any amount associated with the drug, is unknown in the majority of cases, the department is unable to estimate the number of new admissions related to the possession and or distribution of fentanyl. Therefore, the DOC will assume an unknown impact to this legislation.

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

In response to similar legislation from 2023 (HB 1176), officials from the **Attorney General's Office**, the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, and the **Office of the State Public Defender** 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.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
<b>GENERAL REVENUE</b>			
<u>Savings</u> – DOC (§558.031) Jail-time credit	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Savings</u> – DOC (§§579.065 and 579.068) Trafficking drugs	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

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 or other custodial officer 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. The total amount of credit must not be more than the number of days between the date of the offense and the commencement of the sentence.

TRAFFICKING DRUGS (Sections 579.065 and 579.068)

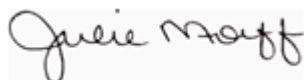
This bill removes from the offense of drug trafficking in the first degree when a person knowingly distributes, delivers, manufactures, produces, or attempts to distribute, deliver,

manufacture, or produce more than eight grams of a mixture or specified substance that has a cocaine base. The bill also removes from the offense of drug trafficking in the second degree when a person knowingly possesses more than eight grams of a mixture or specified substance that has a cocaine base.

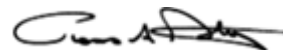
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office  
Department of Corrections  
Department of Public Safety - Missouri Highway Patrol  
Missouri Office of Prosecution Services  
Office of the State Courts Administrator  
Office of the State Public Defender  
Branson Police Department  
Kansas City Police Department  
St. Joseph Police Department  
St. Louis County Police Department  
Phelps County Sheriff's Department



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