

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4155H.03C  
 Bill No.: HCS for HB Nos. 1777, 2203, 2059, & 2502  
 Subject: Department of Corrections; Prisons and Jails; Public Assistance  
 Type: Original  
 Date: February 11, 2024

Bill Summary: This proposal establishes certain protections for pregnant offenders.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	Could exceed (\$387,457)	More or less than (\$6,481)	More or less than (\$6,643)
<b>Total Estimated Net Effect on General Revenue</b>	<b>Could exceed (\$387,457)</b>	<b>More or less than (\$6,481)</b>	<b>More or less than (\$6,643)</b>

\*Reflects a potential cost for the IT system development that could occur in FY 2025 or a potential unknown cost for FTE to handle the calculations. 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 \$9,689 to the General Revenue Fund per year.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
<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 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
Federal Funds*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Income and expenses estimated to be \$121,000 in FY 2025 and \$9,000 on-going beginning in FY 2026 net to zero.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</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 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §§208.247, 221.520, 221.523, 491.075, and 492.304 – Protections for pregnant offenders

Officials from the **Office of Administration (OA)**, Information Technology Services Division (ITSD)/DSS state updates to the Family Assistance Management Information Systems (FAMIS) and Missouri Eligibility Determination and Enrollment System (MEDES) applications would be required.

OA, ITSD/DSS assumes every new IT project/system will be bid out because all ITSD resources are at full capacity. IT contract rates for FAMIS are estimated at \$105/hour. It is assumed FAMIS modifications will require 734.40 hours for a cost of \$77,112 (734.40 \* \$105), split 41% GR; 59 % Federal.

Therefore, the total FAMIS upgrades will cost \$77,112 (\$31,616 GR; \$45,496 Federal) in FY 2025; \$15,808 (\$6,481 GR; \$9,327 Federal) in FY 2026; and \$16,203 (\$6,643 GR; \$9,560 Federal) in FY 2027 and subsequent years.

Modifications for the MEDES system must be performed by Redmane. Hourly IT costs under this contract vary by position title and work type. It is estimated to take 968 hours for a total cost of \$127,776 in FY 2025 exclusively, split 41% GR; 59 % Federal.

Therefore, the total MEDES upgrades will be \$127,776 (\$52,388 GR; \$75,388 Federal) in FY 2025.

Total system upgrades for FAMIS and MEDES are estimated at \$204,888 in FY 2025; \$15,808 in FY 2026; and \$16,203 in FY 2027 and subsequent years.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by ITSD/DSS for fiscal note purposes.

Officials from the **City of Kansas City** state the legislation could have a negative fiscal impact on Kansas City if the legislation causes an increase in costs of jailing prisoners.

**Oversight** notes the provision of this proposal would not significantly increase the costs of jailing prisoners. Any increase in the cost is assumed to be minimal and absorbable within current funding levels.

#### §217.443 – Inmate release from Corrections

Officials from the **Department of Corrections (DOC)** state the department has an established process to assist offenders in obtaining a copy of their birth certificate, social security card and

state identification prior to release. In FY 2024, the DOC requested and the General Assembly approved a core reallocation to assist the DOC with the cost of providing such services.

In order to comply with this legislation, the department would need to alter the existing process for obtaining source documents. In addition, this legislation would require the department to provide additional records to the offender upon release from custody. The DOC is unable to quantify the amount of staff time that would be required to prepare the additional records; therefore, this will have an unknown impact.

**Oversight** notes the DOC received a core reallocation in FY 2024 of \$1,598,240 to expand reentry services and \$650,000 of the reallocation was designated for offender source documents. Therefore, Oversight assumes the DOC will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the DOC for fiscal note purposes. However, the DOC may seek additional appropriations if there is a significant increase in staff time to prepare the additional records/documentation.

In response to similar legislation from 2024 (HB 2502), officials from the **Department of Revenue (DOR)** stated the department currently has a Memorandum of Agreement (MOA) with the Department of Corrections (DOC) to issue nondriver licenses for inmates at certain facilities. The nondriver licenses issued under this MOA are for a term of six years and are mailed to the DOC facility prior to the inmate's release.

#### Administrative Impact

To implement the proposed legislation, the Department will:

- Coordinate with the DOC to define a process for communicating whether an inmate currently holds a form of state identification;
- Review rules and regulations proposed by the Department of Corrections;
- Collaborate with OA-ITSD to develop business requirements and system design for the Missouri Electronic Driver License (MEDL) system and supporting applications to incorporate a new indicator to distinguish the inmate issued identification, modify the term to be four years from the issue month, and disallow renewal of the identification;
- Collaborate with OA-ITSD to develop business requirements and system design for the Missouri Driver License system (MODL) and supporting applications to store the new indicator to distinguish the inmate issued identification;
- Complete programming and user acceptance testing;
- Update procedures; and
- Train staff.

#### FY 2024-Driver License Bureau

Research/Data Assistant 125 hrs. @ \$19.38 per hr. = \$2,423  
Research/Data Analyst 250 hrs. @ \$28.89 per hr. = \$7,223  
Administrative Manager 60 hrs. @ \$31.36 per hr. = \$1,882

Total = \$11,528

FY 2024-Strategy and Communications Office

Associate Research/Data Analyst 40 hrs. @ \$23.15 per hr. = \$926

**Total Cost = \$12,454**

The fiscal impact estimated above is based on changes in the current Department's Motor Vehicle and Driver Licensing system environment. The implementation of this legislation will be coordinated with the integration of the Department's Motor Vehicle and Driver Licensing software system approved and passed by the general assembly in 2020 (Senate Bill 176). To avoid duplicative technology development and associated costs to the state, it is recommended a delayed effective date be added to this bill to correlate with the installation of the new system.

The costs associated with these legislative changes may be outside of the current contract and identified programming work for the incoming integrated system. As such, the department has included the potential costs associated with making the changes to the integrated system by the department's current vendor.

**Oversight** assumes DOR will use existing staff and will not hire additional FTE to conduct these activities; therefore, Oversight will not reflect the administrative costs DOR has indicated on the fiscal note.

In response to similar legislation from 2024 (HB 2502), **DOR** noted OA-ITSD services will be required at a cost of **\$33,453** in FY 2025 (318.6 hours x \$105 per hour). In addition, an Implementation Consultant will be required at a cost of **\$20,000** (\$250 per hour x 80 hours).

**Oversight** does not have any information to the contrary in regards to DOR's assumptions; therefore, Oversight will reflect DOR's OA-ITSD and consultant costs to the General Revenue fund.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the

office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

In response to similar legislation from 2024 (HB 2502), officials from the **Department of Public Safety - Missouri Veterans Commission** 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.

§558.041 – Good time credit

**DOC** states at this time, they are unsure if an automated system can be created because of the different criteria it takes to calculate good time credit. This is a labor-intensive calculation done by hand by their Records Officer staff. The DOC does not know how many additional staff it would take to accommodate this change in 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. Therefore, Oversight will reflect a potential cost for the IT system development that could occur in FY 2025 or a potential unknown cost for FTE to handle the calculations. Additionally, as this new program may decrease populations for DOC, Oversight will reflect a potential savings (\$0 or Unknown) in FY 2026 and FY 2027. Oversight notes, in response to other legislation this year, DOC has used a per-inmate cost of \$9,689 to the General Revenue Fund per year.

Responses regarding the proposed legislation as a whole

Officials from the **Department of Commerce and Insurance**, the **Department of Health and Senior Services**, the **Department of Higher Education and Workforce Development**, the **Department of Mental Health**, the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **University of Missouri**, the **City of O'Fallon**, the **Phelps County Sheriff's Department**, the **Kansas City 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.

Officials from the **Branson Police Department** indicate this proposal would have an administrative impact on their organization but did not provide a fiscal impact. Therefore, for fiscal note purposes, Oversight assumes any fiscal impact incurred by this police department would be absorbable within current funding levels.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
<b>GENERAL REVENUE</b>			
<u>Savings</u> - DOC (\$558.041) Potential impact to the population relating to good time credit	\$0	\$0 or Unknown	\$0 or Unknown
<u>Costs</u> – OA, ITSD/DSS (§208.247)			
FAMIS system updates	(\$31,616)	(\$6,481)	(\$6,643)
MEDES system updates	(\$52,388)	\$0	\$0
<u>Total Costs</u> – OA,ITSD/DSS	(\$84,004)	(\$6,481)	(\$6,643)
<u>Costs</u> – DOC (§217.443) OA-ITSD services	(\$33,453)	\$0	\$0
<u>Costs</u> – DOC (§217.443) Consultant fee	(\$20,000)	\$0	\$0
<u>Costs</u> – DOC (§558.041) Calculation of good-time credits	(Unknown, Could exceed \$250,000)	(Unknown)	(Unknown)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>Could exceed (\$387,457)</u></b>	<b><u>More or less than (\$6,481)</u></b>	<b><u>More or less than (\$6,643)</u></b>
<b>FEDERAL FUNDS</b>			
<u>Income</u> – OA,ITSD/DSS (§208.247) Reimbursement for FAMIS & MEDES system updates	\$120,884	\$9,327	\$9,560
<u>Costs</u> – OA, ITSD/DSS (§208.247)			
FAMIS system updates	(\$45,496)	(\$9,327)	(\$9,560)
MEDES system updates	(\$75,388)	\$0	\$0
<u>Total Costs</u> – OA,ITSD/DSS	(\$120,884)	(\$9,327)	(\$9,560)
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<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

**VULNERABLE PERSONS**

This bill modifies several provisions relating to the protection of vulnerable persons, including access to SNAP benefits; pregnant offenders; and admissibility of certain evidence in criminal cases.

**ACCESS TO SNAP BENEFITS**

The bill repeals current provisions of law allowing for individuals convicted of certain drug offenses to participate in SNAP only if certain conditions are met. Under this bill, individuals who are convicted of a state or federal felony drug offense shall not be excluded from SNAP for such conviction.

**PREGNANT OFFENDERS**

This bill prohibits all county and city jails, except in extraordinary circumstances, from using restraints on a pregnant offender in her third trimester, including during transportation or labor, delivery, and 48 hours post-delivery. Pregnant offenders are required to be transported in vehicles equipped with seatbelts. In cases of extraordinary circumstances that require restraints to be used, the sheriff or jailer shall document, in writing and within 48 hours of the incident, the reason for the restraints used, as specified in the bill.

If restraints are used, they shall be the least restrictive available and the most reasonable under the circumstances. No leg, ankle, or waist restraints, or mechanical restraints shall be used; any wrist restraints used shall be placed in front of the offender's body.

Jails shall offer staff training on the provisions of this bill and inform offenders of the policies and practices developed under this bill.

By January 1, 2025, all county and city jails shall develop specific procedures for intake and care of pregnant offenders, including the provision of maternal health evaluations; dietary supplements; nutritious meals; substance abuse treatment; HIV treatment; Hepatitis C treatment; sleeping arrangements; mental health care; sanitary materials; postpartum recovery; and a requirement that a female medical professional be present during examinations.



#### ADMISSIBILITY OF CERTAIN EVIDENCE IN CRIMINAL CASES

Currently, a statement made by a child under 14 years of age may be admissible in criminal proceedings, under certain circumstances. This bill amends the age to a child under 18 years of age.

Additionally, the bill provides that visual or audio recordings of a child under 18 years of age or a vulnerable person, as defined in the bill, and relating to certain criminal offenses shall be admissible in criminal proceedings under certain circumstances, as is specified in the bill.

#### INMATE RELEASE FROM CORRECTIONS (Section 217.443)

This bill requires the Department of Corrections to provide certain inmates, as specified in the bill, with relevant documentation to assist in obtaining post-release employment.

The Department shall coordinate with the Department of Revenue to provide a State-issued identification card if the inmate does not have a current one.

Nine months prior to an inmate's release from custody, the Department of Corrections shall determine whether the inmate has a current State ID and, if not, begin gathering the required documentation to receive one.

State-issued ID cards issued with a record card from the Department of Corrections shall be valid for a period of four years and are nonrenewable.

The Department of Corrections may utilize any funds to cover the purchase of ID cards, including but not limited to, inmate trust funds, existing funds of the Department, and donations.

#### GOOD TIME CREDIT (Section 558.041)

This bill modifies 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.

This bill provides that the accumulation of good time credit does not require that the offender be released; the parole board retains discretion to determine the date of release. The parole board in its discretion shall determine the date of release.

The bill provides that 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:

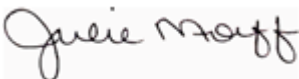
(1) Receives a high school diploma or equivalent, college diploma, or a vocational training certificate;

- (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.

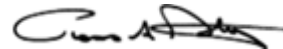
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Commerce and Insurance  
Department of Corrections  
Department of Health and Senior Services  
Department of Higher Education and Workforce Development  
Department of Mental Health  
Department of Public Safety  
Department of Revenue  
Department of Social Services  
Joint Committee on Administrative Rules  
Missouri Office of Prosecution Services  
Office of the Secretary of State  
Office of the State Courts Administrator  
Office of the State Public Defender  
University of Missouri  
City of Kansas City  
City of O'Fallon  
Phelps County Sheriff's Department  
Branson Police Department  
Kansas City Police Department  
St. Louis County Police Department



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