

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1503H.011
 Bill No.: HB 389
 Subject: Crimes and Punishment; Crimes and Punishment; Probation and Parole
 Type: Original
 Date: January 30, 2025

Bill Summary: This proposal modifies provisions relating to minimum prison terms.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2039)
General Revenue*	\$0	\$0	\$0	(\$165,277,556)
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0	(\$165,277,556)

*Oversight notes the impact of this legislation is outside the ten-year time frame. DOC estimates the impact following the ten-year time frame could be (\$101,264,164) in FY 2038; (\$165,277,556) in FY 2039; and (\$168,647,381) in FY 2040. Should this legislation pass, it could result in a significant increase in the prison population and require the DOC to reopen housing units or build a new facility.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2039)
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2039)
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 2026	FY 2027	FY 2028	Fully Implemented (FY 2039)
General Revenue	0 FTE	0 FTE	0 FTE	(71) FTE
Total Estimated Net Effect on FTE	0 FTE	0 FTE	0 FTE	(71) 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 2026	FY 2027	FY 2028	Fully Implemented (FY 2039)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§558.019, 566.030, 566.151, and 571.015 – Minimum prison terms

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to minimum prison terms. The bill adds 566.030 and 566.151 to the list of sections excluded from minimum prison terms as outlined under section 558.019, and adds language to sections 566.030, 566.151, and 571.015 that requires people to serve one hundred percent of the sentences imposed under those sections.

The bill also modifies section 558.019 by removing references to prior commitment counts and requiring all people with no previous prison commitment to serve at least 75% of applicable sentences, and offenders with one or more prison commitments to serve at least 80% of applicable sentences. The bill also removes language that reduces minimum prison terms for people over certain ages.

Under current law, offenders subject to a minimum prison term per 558.019, subsection 2, subdivisions 1, 2, and 3 receive a 40% minimum on their first commitment, 50% minimum on their second commitment and 80% minimum on their third commitment, unless the offender attains the age of 70 prior to the applicable percentage, at which time the minimum percentage is reduced as required by the aforementioned subdivisions. This legislation would establish a 75% minimum prison term for any offender whose sentence is subject to a minimum prison term per 558.019, subsection 1, and an 80% minimum prison term for any offender whose sentence is subject to a minimum prison term per 558.019, subsection 2.

There were 2,273 offenders admitted to prison during FY 2024 on at least one sentence that was a new court commitment either under section 566.030, 565.151 or 571.015, or that would have a minimum prison term under section 558.019 according to the proposed legislation. The average length of the sentence cycles for these offenders (after taking into account designations of concurrent and consecutive terms) was 16.3 years, with the expected average time to first release from prison being 9.9 years under current legislation and 12.2 years under the proposed legislation.

Given the relatively long length of these sentence cycles, DOC estimates no impact within the first 12 years. DOC expects to start to see the impact on offender populations in FY 2038 with an increase in the prison population of approximately 2,273 offenders. DOC estimates the cumulative impact to be an additional 3,637 offenders in prison and 3,637 fewer offenders on community supervision by FY 2039.

Change in prison admissions and probation openings with legislation

	FY2031	FY2032	FY2033	FY2034	FY2035	FY2036	FY2037	FY2038	FY2039	FY2040
New Admissions										
Current Law	2,273	2,273	2,273	2,273	2,273	2,273	2,273	2,273	2,273	2,273
After Legislation	2,273	2,273	2,273	2,273	2,273	2,273	2,273	2,273	2,273	2,273
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	0	0	0	0	0	0	0	2,273	3,637	3,637
Parole	0	0	0	0	0	0	0	-2,273	-3,637	-3,637
Probation	0	0	0	0	0	0	0	0	0	0
Impact										
Prison Population	0	0	0	0	0	0	0	2,273	3,637	3,637
Field Population	0	0	0	0	0	0	0	-2,273	-3,637	-3,637
Population Change	0	0	0	0	0	0	0	0	0	0

The impact of this legislation is outside of the 10-year reporting time frame; therefore, the department will assume a no impact from FY 2026 thru FY 2037. The estimated impact following the ten-year time frame could be (\$101,264,164) in FY 2038; (\$165,277,556) in FY 2039; and (\$168,647,381) in FY 2040. Should this legislation pass, it could result in a significant increase in the prison population and require the DOC to reopen housing units or build a new facility.

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

Officials from the **Missouri Department of Transportation**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, and **Office of the State Public Defender** 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.

<u>FISCAL IMPACT</u> <u>– State</u> <u>Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2039)
GENERAL REVENUE				
<u>Savings</u> – DOC (§§558.019, 566.030, 566.151, and 571.015)				
Personal Service	\$0	\$0	\$0	\$3,784,442
Fringe Benefits	\$0	\$0	\$0	\$2,792,871
Exp. & Equip.	\$0	\$0	\$0	\$300,199
<u>Total Savings - DOC</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$6,877,512</u>
FTE Change - DOC	0 FTE	0 FTE	0 FTE	(71) FTE
<u>Cost</u> – DOC (§§558.019, 566.030, 566.151, and 571.015) Increased incarceration costs	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$172,155,068)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$165,277,556)</u>
Estimated Net FTE Change on General Revenue	0 FTE	0 FTE	0 FTE	(71) FTE

*Oversight notes DOC assumes a savings of 71 probation and parole officers and an increase in incarceration costs.

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2039)
	<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

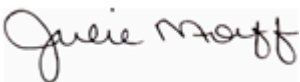
MINIMUM PRISON TERMS (Sections 558.019, 566.030, 566.151, and 571.015)

Currently, offenders convicted of certain offenses who also have one or more previous commitments to the Department of Corrections are required to serve a minimum percentage of the sentence imposed, depending on the number of the previous prison commitments. This bill repeals the previous commitment-based tier and specifies that an offender who has no previous commitments to the Department of Corrections must serve 75% of the offender's sentence, and an offender who has one or more previous commitments must serve 80% of his or her sentence. An offender who has been convicted of the offense of rape in the first degree or attempted rape in the first degree; enticement of a child or attempted enticement of a child; or armed criminal action must serve 100% of the sentence.

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

SOURCES OF INFORMATION

Department of Corrections
Missouri Department of Transportation
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender



Julie Morff
Director
January 30, 2025



Jessica Harris
Assistant Director
January 30, 2025