

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1758H.011
 Bill No.: HB 774
 Subject: Department of Corrections; Boards, Commissions, Committees, and Councils;
 Prisons and Jails
 Type: Original
 Date: March 30, 2025

Bill Summary: This proposal establishes the Office of the Department of Corrections Ombudsman and provisions relating to Department of Corrections Oversight.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue	(Unknown, greater than \$500,000)	(Unknown, greater than \$500,000)	(Unknown, greater than \$500,000)
Total Estimated Net Effect on General Revenue	(Unknown, greater than \$500,000)	(Unknown, greater than \$500,000)	(Unknown, greater than \$500,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue	Unknown	Unknown	Unknown
Total Estimated Net Effect on FTE	Unknown	Unknown	Unknown

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
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§217.025, 217.165, 218.010, 218.015, 218.017, 218.018, 218.019, 218.020, 218.035, 218.040, 218.050, 218.055, 218.060, and 218.065 - Department of Corrections Ombudsman and Department of Corrections Oversight Committee

Officials from the **Department of Corrections (DOC)** state this proposal establishes the Office of the Department of Corrections Ombudsman and provisions relating to the Department of Corrections Oversight.

There is the potential for significant fiscal and operational impact to the department in the tracking and reporting of information currently not captured that may be requested, as well as time needed to respond to inquiries made by the Office of State Ombudsman. There is no way of knowing exactly how many additional FTEs will be required to fulfill these duties; therefore, the fiscal impact to the department is an unknown cost, greater than \$250,000.

DOC states the language states the Office of the Ombudsman will be an independent office from the department of corrections. It will have its own budget and oversee all operations of the office separate from the DOC. As this is establishing an independent office separate from the department of corrections, the DOC is unable to provide fiscal impact to the creation of this office and its operations in regard to FTE, IT costs or leasing property.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's (unknown, greater than \$250,000) impact for the tracking and reporting of information as well as time needed to respond to inquiries made by the Office of State Ombudsman.

Officials from the **Office of Administration - Budget and Planning** defer to the **Department of Corrections** for the potential fiscal impact of this proposal.

Officials from the **Office of Administration** state that based on language in Chapter 218, FMDC assumes there will be an impact for the office space required for the ombudsperson position. Based on 250 square feet at \$21/sq ft and janitorial at \$2.45/sq ft and utilities at \$2.48/sq ft, OA/FMDC estimates the cost of the office space to be \$7,232.50.

OA states since the legislation refers to an ombudsperson, the assumption was that this is for one (1) FTE. If the need is for more than one (1) FTE, use the amount estimated per person.

Oversight assumes based on the provisions of the proposal, that the Office of State Corrections Ombudsperson would require an unknown number of employees and office space to fulfill the duties outlined in the legislation. Therefore, Oversight will reflect an unknown cost greater than \$250,000 which includes FTE, fringe benefits, and E/E associated with this proposal.

Officials from the **Missouri Senate (SEN)** anticipate a negative fiscal impact to reimburse two senators for travel to serve on the Corrections Oversight Committee.

The SEN assumes meetings will be held in Jefferson City during the interim. The average of the total round trip miles for current sitting senators is 256 miles and the current mileage rate, as set by the Office of Administration is \$0.655 cents per mile. Therefore, the SEN estimates a total cost for senator mileage of approximately \$335. The SEN assumes no fiscal responsibility for the other committee members.

Oversight does not have any information to the contrary. Oversight assumes the SEN can absorb the minimal fiscal impact for this proposal within existing funding levels and will reflect no fiscal impact for this agency.

Officials from the **Missouri House of Representatives (MHR)** state the House will absorb any reasonable expenses of our member serving on the committee.

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.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO 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 AGO for fiscal note purposes.

Officials from the **Office of the Governor (GOV)** state this bill adds to the Governor’s current load of appointment duties. Individually, additional requirements should not fiscally impact the Office of the Governor. However, the cumulative impact of additional appointment duties across all enacted legislation may require additional resources for the Office of the Governor.

Officials from the **Office of the State Auditor** assume the proposal will have no fiscal impact on their organization. Any impact can be absorbed through current appropriations.

Officials from the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Labor and Industrial Relations**, the **Department of Public Safety - Office of the Director**, the **City of Kansas City**, 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.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
GENERAL REVENUE			
<u>Cost – DOC (§§217.025 through 218.065) Tracking and reporting of information; respond to inquires p. 3</u>	(Unknown, greater than \$250,000)	(Unknown, greater than \$250,000)	(Unknown, greater than \$250,000)
<u>Cost – Office of State Corrections Ombudsperson (§§217.025 through 218.065) FTE, fringe benefits, E/E p. 3</u>	(Unknown, greater than \$250,000)	(Unknown, greater than \$250,000)	(Unknown, greater than \$250,000)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown, greater than \$500,000)</u>	<u>(Unknown, greater than \$500,000)</u>	<u>(Unknown, greater than \$500,000)</u>

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

DEPARTMENT OF CORRECTIONS OMBUDSPERSON (Sections 217.025, 217.165, 218.010, 218.015, 218.017, 218.018, 218.019, 218.020, 218.035, 218.040, 218.050, 218.055, 218.060, and 218.065)

This bill establishes the "Office of the Department of Corrections Ombudsperson".

The Office will consist of an inspection section and a complaints investigation section. The Department of Corrections Ombudsman's Office will have the authority to:

- (1) Provide information regarding the rights of inmates, staff, and their families;
- (2) Monitor conditions of confinement and assess Department compliance with State and Federal rules and regulations;
- (3) Provide technical assistance to support inmates and staff;
- (4) Assist local governments in the creation of jail oversight bodies;
- (5) Establish a statewide uniform reporting system to analyze data related to complaints received by the Department;
- (6) Promulgate rules and regulations to enforce the provisions of the bill;
- (7) Establish procedures to gather stakeholder input into the Office's activities and priorities;
- (8) Inspect each Department of Corrections (DOC) facility at least once annually, and each facility where the Office has found cause for more frequent inspection or monitoring at least twice annually;
- (9) Issue periodic inspection reports and an annual report;
- (10) Investigate incidents in DOC facilities;
- (11) Hire staff and secure space and equipment as necessary;
- (12) Contract with experts as needed;
- (13) Oversee the operations of the Office; and
- (14) Prepare a budget.

The Office will have reasonable access, upon demand, to all Department facilities and to programs for incarcerated people at reasonable times. This authority includes the ability to interview inmates and staff of correctional institutions. The purposes of interviews and allowable methods for conducting them are specified in the bill. The Office has the right to access records and documents of DOC that the Office considers necessary to an investigation. The Office will have subpoena power to this end. Timelines for fulfilling records requests are provided in the bill. The Office must work with the Department to minimize disruption to its operations.

Correspondence between the Office and incarcerated people and staff will be confidential and not considered a public record for the purpose of Missouri Sunshine Law. The Office will

establish rules to ensure the confidentiality of complainants before, during, and after an investigation.

The Office will produce an annual report by December 31st each year, to be made available to the public and delivered to the Governor, the General Assembly, and the Director of the Department of Corrections. Contents of the annual report are provided in the bill, but include inspection and investigation reports and recommendations for improvements to DOC facilities and programs.

The bill also establishes a "Corrections Oversight Committee". Membership includes: two members of the Senate appointed by the President Pro Tem and who are not of the same political party; two members of the House of Representatives appointed by the Speaker and who are not of the same political party; and several members, as specified in the bill, who are appointed by the Governor. The Committee must be established by January 1, 2026, and the term length for members is provided in the bill.

The Committee must hold at least one public hearing each year to discuss the Office's inspections, findings, reports, and recommendations. It must also meet quarterly to discuss findings of the Office as the Committee determines relevant. The Committee may, in its discretion, issue findings, recommendations, and policy and legislative proposals.

The Committee will be given the same access to facilities, records and people within facilities as the Office. The Committee will have the power to subpoena Department records and staff only in the event that the position of Ombudsperson is vacant. Accompanied by the Office, the Committee must visit two correctional facilities during each calendar year. The Committee must appoint an Ombudsperson, to serve a term of six years. The Ombudsperson may be removed for good cause by a majority vote of the committee.

The Office must periodically inspect each Department facility and is required to inspect each correction facility and release a public report by August 28, 2027. Inspections will include assessments of Department policies and conditions, as specified in the bill. Upon completion of an inspection, the Office will produce a public report describing its findings. Contents of the report are provided in the bill. Upon completion of an inspection, the Office must assign the facility a safety and compliance classification, as provided in the bill. Tiers within this classification system will determine the frequency of inspections in the future. The Department of Corrections must respond to each inspection report in writing and create corrective action plans to address problems flagged in the reports.

The Office may initiate an investigation on its own initiative or based on a complaint from an incarcerated person, an inmate's representative, a family member, or correctional staff. Procedures for investigations are specified in the bill. The Office cannot levy fees for its services and may refer the complaint to appropriate resources or State or Federal agencies. At the conclusion of an investigation of a complaint the Office will render a public decision on the complaint, and communicate the decision to the inmate, if applicable, and the Department.

If the Office requests, the Department will inform the Office in writing about any action taken based on the Office's recommendations, or reasons for not complying with those recommendations. If the Office believes there has been or is a significant health, safety, welfare, or rehabilitation issue, the Office must report its findings to the Governor, the Attorney General, the General Assembly, and the Director of the Department of Corrections. The Department of Corrections must not retaliate against any person for filing a complaint.

The Office must create an online form to be made available on its website wherein family members, friends, and advocates can submit complaints and inquiries regarding specified issues on behalf of inmates. A similar form will be developed for inmate use. Upon receipt of a form, the Office will confirm receipt, determine whether an investigation is warranted, and provide a written statement regarding its decision to the complainant.

The Office must also create a telephone hotline through which complaints and inquiries on behalf of inmates may be filed. Correspondence with the Office will be confidential. The Office will establish rules and procedures for confidentiality.

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 Health and Senior Services
Department of Mental Health
Department of Natural Resources
Department of Labor and Industrial Relations
Department of Public Safety
Joint Committee on Administrative Rules
Missouri House of Representatives
Missouri Senate
Office of Administration
Office of the Governor
Office of the Secretary of State
Office of the State Auditor
City of Kansas City

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City of O'Fallon
Phelps County Sheriff's Department
Kansas City Police Department
St. Louis County Police Department



Julie Morff
Director
March 30, 2025



Jessica Harris
Assistant Director
March 30, 2025