

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1953H.011
 Bill No.: HB 729
 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.

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

§§218.010, 218.015, 218.020, 218.025, 218.030, 218.035, 218.040, 218.045, 218.050, 218.055, 218.060, and 218.065 - Department of Corrections Ombudsman

Officials from the **Department of Corrections (DOC)** state this proposal establishes the Office of the Department of Corrections Ombudsman.

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 FTE's 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 members serving on the committee.

In response to similar legislation from 2025 (HB 603), officials from the **Office of Attorney General (AGO)** assumed 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 **Department of Mental Health** and the **Department of Labor and Industrial Relations** 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 (§§218.010 through 218.065) Tracking and reporting of information; respond to inquiries 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 (§§218.010 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 OMBUDSMAN

This bill establishes the "Office of the Department of Corrections Ombudsman". 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;
- (2) Monitor conditions of confinement and assess department compliance with State and Federal rules and regulations;
- (3) Provide technical assistance to support inmate self-advocacy;
- (4) Assist local governments in the creation of jail oversight bodies;
- (5) Establish a statewide uniform reporting system to collect and analyze data related to complaints received by the Department;

- (6) Establish procedures to gather stakeholder input into the Office's activities and priorities including a 30 day period for receipt of and office response to public comment;
- (7) Inspect each Department of Corrections (DOC) facility at least once every three years, and each maximum security facility and each facility where the Office has found cause for more frequent inspection or monitoring at least once per year; and
- (8) Publicly issue periodic inspection reports and an annual report with recommendations.

Staff members and contractors of the Office are prohibited from being, or having a family member who is, a current inmate, employee, or contractor of the DOC, or a victim of any person in the DOC's custody.

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 members 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. Term length of membership is provided in the bill.

The Committee members will elect the Ombudsman after holding a public hearing, as 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. The Committee 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 receives. The Committee will have the power to subpoena Department records, employees, or contractors. Accompanied by the Office, the Committee must visit two different correctional facilities during each calendar year.

The Office will have reasonable access, upon demand, to all DOC facilities. It will have the opportunity to interview any inmate, employee, or contractor of the Department. It will also have the power to inspect and copy all relevant records or documents in possession of the Department that the office considers necessary. The Office will have the power to subpoena Department records, employees, or contractors.

Correspondence with the Office will be confidential. The Office will establish rules and procedures for confidentiality.

The Office must periodically inspect each Department facility. Inspections will include assessments of Department policies, procedures and conditions, as provided 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. The DOC 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 inmate, an inmate's representative, a family member, or a Department employee or contractor. The Office can not 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 decision on the complaint, and communicate the decision to the inmate, if applicable, and the Department. The Office may take certain actions based on the conclusions reached in an investigation, as described in the bill. Retaliation against a complainant by Department employees and contractors is prohibited.

The Office will also produce an annual report to be available to the public and delivered to the Governor and certain members of the General Assembly. Contents of the annual report are provided in the bill.

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.

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 Labor and Industrial Relations
Department of Mental Health
Office of Administration
Office of the Governor
Missouri House of Representatives
Missouri Senate



Julie Morff
Director
March 30, 2025



Jessica Harris
Assistant Director
March 30, 2025