

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2957H.011  
 Bill No.: HB 2128  
 Subject: Department of Corrections; Probation and Parole; Crimes and Punishment  
 Type: Original  
 Date: February 16, 2024

Bill Summary: This proposal changes the law regarding parole eligibility for certain offenders who have served thirty years of his or her sentence.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	\$0 to \$201,854	\$0 to \$247,070	\$0 to \$252,011
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0 to \$201,854</b>	<b>\$0 to \$247,070</b>	<b>\$0 to \$252,011</b>

\*The potential savings estimated by the Department of Corrections is for an additional 25 existing offenders eligible for release due to this proposal. The decision to release or not is with the Missouri Board of Probation and Parole; therefore, the fiscal impact is ranged from \$0 to the savings of 25 offenders being released.

<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>
<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 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

#### §217.745 – Parole eligibility

Officials from the **Department of Corrections (DOC)** state this section changes the law regarding parole eligibility for certain offenders who have served thirty years of his or her sentence. The bill amends chapter 217, RSMo, with the intention of authorizing the early parole of certain offenders over the age of sixty. Subsection 1 provides conditions to be considered including age, absence of any record of a dangerous felony and conviction of a sex offense. Subsection 2 provides the eligibility for release.

To estimate the potential impact on the department over the next ten years, offenders who meet the following criteria were identified as eligible for a parole hearing, and potentially release, following passage of the proposal:

- Fifty-one years of age or older
- Serving a sentence of life without parole for a minimum of 50 years under section 565.008
- Will be 60 years or older by the time they have served at least 30 years in prison
- No conviction for a dangerous felony
- No conviction for a sex offense
- No serious functional mental health impairment
- No institutional conduct violations in the last two years

The total potential impact on the department could be up to an additional 25 offenders eligible for release over the next ten fiscal years. It should be noted the sentence of life without parole for a minimum of 50 years is no longer an authorized disposition for criminal convictions. Therefore, the offenders who could potentially be impacted is static.

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
<b>Possible Release</b>	25	0	0	0	0	0	0	0	0	0
<b>Total</b>	25	25	25	25	25	25	25	25	25	25

The proposed legislation does not involve new admissions to prison or probation cases; therefore, the total cumulative impact on the offender population is reflected in the transfer of incarcerated offenders to the field population.

**Change in prison admissions and probation openings with legislation**

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
<b>Cumulative Populations</b>										
Prison	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25
Parole	25	25	25	25	25	25	25	25	25	25
Probation	0	0	0	0	0	0	0	0	0	0
<b>Impact</b>										
Prison Population	-25	-25	-25	-25	-25	-25	-25	-25	-25	-25
Field Population	25	25	25	25	25	25	25	25	25	25
<b>Population Change</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

	# to prison	Cost per year	Total Savings for <b>prison</b>	Change in probation & parole officers	Total cost for <b>probation and parole</b>	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	(25)	(\$9,689)	\$201,854	0	\$0	25	\$201,854
Year 2	(25)	(\$9,689)	\$247,070	0	\$0	25	\$247,070
Year 3	(25)	(\$9,689)	\$252,011	0	\$0	25	\$252,011
Year 4	(25)	(\$9,689)	\$257,051	0	\$0	25	\$257,051
Year 5	(25)	(\$9,689)	\$262,192	0	\$0	25	\$262,192
Year 6	(25)	(\$9,689)	\$267,436	0	\$0	25	\$267,436
Year 7	(25)	(\$9,689)	\$272,785	0	\$0	25	\$272,785
Year 8	(25)	(\$9,689)	\$278,240	0	\$0	25	\$278,240
Year 9	(25)	(\$9,689)	\$283,805	0	\$0	25	\$283,805
Year 10	(25)	(\$9,689)	\$289,481	0	\$0	25	\$289,481

If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$26.545 per day or an annual cost of \$9,689 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is

1,500 or more offenders added or removed to the department’s institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$99.90 per day or an annual cost of \$36,464 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC’s cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

**Oversight** does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect a range of \$0 (no parole granted) to DOC’s impact for fiscal note purposes.

Officials from the **Office of the Governor** and **Office of the State Courts Administrator** 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 2025 (10 Mo.)	FY 2026	FY 2027
<b>GENERAL REVENUE</b>			
<u>Savings – DOC (\$217.745) Potential decreased incarceration costs</u>	\$0 to \$201,854	\$0 to \$247,070	\$0 to \$252,011
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>\$0 to \$201,854</u></b>	<b><u>\$0 to \$247,070</u></b>	<b><u>\$0 to \$252,011</u></b>

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

PAROLE ELIGIBILITY (Section 217.745)

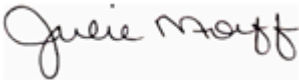
This bill authorizes a parole hearing for certain offenders who have served 30 years or more in a correctional facility. The criteria for eligibility are specified in the bill.

Criteria for release of an offender are also specified in the bill and include good conduct while incarcerated, demonstrated selfrehabilitation, a workable parole plan, and an appropriate risk factor and mental health score. Offenders released will be subject to a minimum five-year supervision period by the Parole Board.

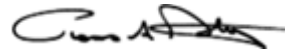
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections  
Office of the Governor  
Office of the State Courts Administrator



Julie Morff  
Director  
February 16, 2024



Ross Strobe  
Assistant Director  
February 16, 2024