

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1776-01
Bill No.: SB 400
Subject: Department of Corrections; Crimes and Punishment; Prisons and Jails; Probation and Parole
Type: Original
Date: February 17, 2017

Bill Summary: This proposal establishes a process for the parole of elderly offenders.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2027)
General Revenue	\$32,092	\$47,136	\$56,092	\$176,922
Total Estimated Net Effect on General Revenue	\$32,092	\$47,136	\$56,092	\$176,922

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2027)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2027)
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 2018	FY 2019	FY 2020	Fully Implemented (FY 2027)
Total Estimated Net Effect on FTE	0	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2027)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Corrections (DOC)** assume this proposal allows any offender incarcerated in a correctional facility after being sentenced by a court of this state who is serving a sentence of life without parole or life without parole for a minimum of fifty years or more, is sixty-five years of age or older, has no prior felony conviction for a violent crime, and is not a convicted sex offender shall receive a parole hearing upon serving twenty-five years or more of his or her sentence.

Additionally, the bill lays out some guidelines for conditions that should be met for the parole board to decide that an offender is eligible for release. Any offender released under this bill must serve at least five years of supervision. If an offender is not paroled, they are to receive a reconsideration hearing every two years.

At the end of FY 2016, there were a total of 44 offenders who were at least 65, who have served at least 25 years and who met the other criteria for eligibility for a parole hearing and possible release (no prior violent offenses, not a sex offender) as far as an examination of only DOC records permit. There are an additional 107 offenders who will become eligible between FY 2017 and FY 2025.

It cannot be determined by the DOC research unit how many of these previously parole ineligible offenders would be released upon the passage of this bill. However, it seems reasonable that some of the offenders who are eligible for release will be paroled. The estimate is that in the first year following enactment of the bill 10 offenders will be paroled and two will be paroled in every subsequent year. National life tables issued by the US Department of Social Services suggest that males aged 65 have a life expectancy of 18 years and so the impact calculation for the 10 year budget forward look does not include a death reduction factor. The assumption is, however, that offenders released to parole will be supervised for five years, the minimum under the bill.

After 10 years the DOC will have 23.8 fewer offenders in prison and 5.8 more on parole. As a comparison it is useful to note that five female offenders serving life without parole for Murder 1st degree have been paroled under section 217.690 since 2010. The application of this bill is much broader than 217.690 and it is reasonable to assume a larger impact on a population that is 65 or over.

ASSUMPTION (continued)

The FY 2016 average cost of supervision is \$6.12 per offender per day or an annual cost of \$2,234 per offender. The DOC cost of incarceration is \$16.67 per day or an annual cost of \$6,085 per offender.

The DOC assumed this legislation would result in long term cost avoidance as reflected in the following table:

	fewer # to prison	Cost per year	Total Savings for prison	more to probation	Cost per year	Total cost for probation and parole	Grand Total - (Avoidance) Prison and Probation (includes and 2% inflation
Year 1	(10)	(\$6,085)	\$60,850	10	(\$2,234)	(\$22,340)	\$32,092
Year 2	(12)	(\$6,085)	\$73,020	12	(\$2,234)	(\$26,808)	\$47,136
Year 3	(14)	(\$6,085)	\$85,190	14	(\$2,234)	(\$31,276)	\$56,092
Year 4	(16)	(\$6,085)	\$97,360	16	(\$2,234)	(\$35,744)	\$65,387
Year 5	(18)	(\$6,085)	\$109,530	18	(\$2,234)	(\$40,212)	\$75,032
Year 6	(20)	(\$6,085)	\$121,700	10	(\$2,234)	(\$22,340)	\$109,701
Year 7	(22)	(\$6,085)	\$133,870	10	(\$2,234)	(\$22,340)	\$125,601
Year 8	(24)	(\$6,085)	\$146,040	10	(\$2,234)	(\$22,340)	\$142,092
Year 9	(26)	(\$6,085)	\$158,210	10	(\$2,234)	(\$22,340)	\$159,193
Year 10	(28)	(\$6,085)	\$170,380	10	(\$2,234)	(\$22,340)	\$176,922

FISCAL IMPACT -
State Government

FY 2018
 (10 Mo.)

FY 2019

FY 2020

Fully
 Implemented
 (FY 2027)

**GENERAL
 REVENUE**

Savings -

Department of
 Corrections - from
 reduced
 incarceration
 expense for
 offenders that meet
 the criteria in the
 proposal and are
 released

\$32,092

\$47,136

\$56,092

\$176,922

**ESTIMATED NET
 EFFECT TO THE
 GENERAL
 REVENUE FUND**

\$32,092

\$47,136

\$56,092

\$176,922

FISCAL IMPACT -
Local Government

FY 2018
 (10 Mo.)

FY 2019

FY 2020

Fully
 Implemented
 (FY 2021)

\$0

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

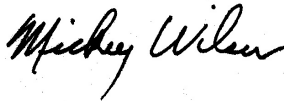
FISCAL DESCRIPTION

This act requires any incarcerated offender 65 years of age or older who has no prior felony convictions of a violent nature, is not a convicted sex offender, and is serving a sentence of life without parole for a minimum of 50 years or more to receive a parole hearing upon serving 30 years or more of his or her sentence. The Board of Probation and Parole within the Department of Corrections must determine whether there is a reasonable probability that the offender will live and remain at liberty without violation of law upon release and is eligible for release based upon a finding that the offender meets certain specified criteria. Any offender who is not granted parole under these provisions will be eligible for reconsideration every two years until a presumptive release date is established..

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



Mickey Wilson, CPA
Director
February 17, 2017

Ross Strope
Assistant Director
February 17, 2017