

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3127-03
Bill No.: SB 601
Subject: Crimes and Punishment
Type: Original
Date: January 17, 2020

Bill Summary: This proposal modifies the punishment for the offense of armed criminal action.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2038)
General Revenue	\$0	\$0	\$0	(\$20,722,806)
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0	(\$20,722,806)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2038)
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 2021	FY 2022	FY 2023	Fully Implemented (FY 2038)
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 2021	FY 2022	FY 2023	Fully Implemented (FY 2038)
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 2021	FY 2022	FY 2023	Fully Implemented (FY 2038)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§571.015 - Armed criminal action

Oversight notes the **Department of Corrections (DOC)** has stated the proposal would not have a direct fiscal impact on their organization. The DOC states this legislation does not create any new criminal offenses, it creates criminal penalties for existing offenses. Because of this fact, there is no projected fiscal impact within the ten-year timeframe for fiscal note purposes. However, the department does anticipate significant fiscal impact past the ten year reporting timeframe.

Oversight contacted the DOC to determine if an estimate of costs could be provided beyond the ten-year reporting timeframe.

The **DOC** states this bill increases imprisonment terms for offenders with ACA crimes and eliminates the eligibility for probation, parole, CR, SIS, or SES and requires sentences for ACA to be served consecutively. As this bill does not introduce new actions eligible for charges, it is not likely to have an impact on the number of offenders under the purview of the Department. However, offenders convicted of ACA will have longer sentences and longer stays in prison.

In FY 2019, 428 offenders admitted to prison had at least one ACA conviction. The average length of their admitting sentence was 13.8 years. The proposed legislation would increase the average sentence length for these offenders to 20 years.

In FY 2019, 314 offenders with at least one ACA conviction were released from prison. The average length of stay to first release was 9.1 years. The proposed legislation would increase their average length of stay to first release to 16 years.

Given the relatively long lengths of sentences and prison stays for these offenders, and the discretion of the courts in determining the length of these sentences, the exact impact on department operations is difficult to determine. The analysis takes into account all sentences of offenders admitted to and released from prison during FY 2019, applies the condition that all ACA sentences be served consecutively, and uses the new minimum years for first time and prior ACA offenses to estimate the operational impact of serving ACA sentences that were being served concurrently as consecutive sentences. The estimated impact does not begin to appear until FY 2031 and will not reach maximum cumulative impact until FY 2040, when there could be 2,825 more offenders in prison and 171 fewer offenders under parole supervision.

ASSUMPTION (continued)

Change in prison admissions and probation openings with legislation

	FY2031	FY2032	FY2033	FY2034	FY2035	FY2036	FY2037	FY2038	FY2039	FY2040
New Admissions										
Current Law	428	428	428	428	428	428	428	428	428	428
After Legislation	428	428	428	428	428	428	428	428	428	428
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	128	556	984	1412	1840	2268	2696	2825	2825	2825
Parole	-128	-556	-984	-1327	-1327	-1327	-1327	-1027	-599	-171
Probation	0	0	0	0	0	0	0	0	0	0
Impact										
Prison Population	128	556	984	1412	1840	2268	2696	2825	2825	2825
Field Population	-128	-556	-984	-1327	-1327	-1327	-1327	-1027	-599	-171
Population Change	0	0	0	85	514	942	1370	1798	2226	2654

	# to prison	Cost per year	Total Costs for prison	# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison (includes a 2% inflation)
FY 2031	128	(\$6,386)	(\$681,173)	(128)	\$0	\$0	(\$681,173)
FY 2032	556	(\$6,386)	(\$3,621,628)	(556)	\$0	\$0	(\$3,621,628)
FY 2033	984	(\$6,386)	(\$6,537,690)	(984)	\$0	\$0	(\$6,537,690)
FY 2034	1,412	(\$6,386)	(\$9,658,946)	(1,327)	\$0	\$0	(\$9,658,946)
FY 2035	1,840	(\$6,386)	(\$12,718,838)	(1,327)	\$0	\$0	(\$12,718,838)
FY 2036	2,268	(\$6,386)	(\$15,990,897)	(1,327)	\$0	\$0	(\$15,990,897)
FY 2037	2,696	(\$6,386)	(\$19,388,751)	(1,327)	\$0	\$0	(\$19,388,751)
FY 2038	2,825	(\$6,386)	(\$20,722,806)	(1,027)	\$0	\$0	(\$20,722,806)
FY 2039	2,825	(\$6,386)	(\$21,137,262)	(599)	\$0	\$0	(\$21,137,262)
FY 2040	2,825	(\$6,386)	(\$21,560,008)	(171)	\$0	\$0	(\$21,560,008)

ASSUMPTION (continued)

Oversight notes DOC's estimated impact to the prison population does not begin to appear until FY 2031 and will not reach maximum impact until FY 2038 for the prison population. For fiscal note purposes, Oversight will use DOC's current cost of incarceration of \$17.496 per day or an annual cost of \$6,386 per offender to estimate DOC's fiscal impact. Oversight will not estimate a cost or savings for probation and parole.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS.

Oversight notes the **Department of Public Safety - Missouri State Highway Patrol**, the **Office of State Courts Administrator**, and the **State Public Defender's Office** have stated the proposal would not have a direct fiscal impact on their 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 Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023	Fully Implemented (FY 2038)
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**GENERAL
REVENUE**

Costs - DOC §571.015) Increased incarceration costs	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$20,722,806)</u>
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ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$20,722,806)</u>
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<u>FISCAL IMPACT -</u> <u>Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023	Fully Implemented (FY 2038)
	<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

This act provides that any sentence imposed for committing the offense of armed criminal action shall be served consecutive to any sentence to be served for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.

Currently, a person who commits the offense of armed criminal action is subject to a term of imprisonment of not less than 3 years for the first offense, 5 years for the second offense, and 10 years for any subsequent offense. This act changes the minimum prison term for this offense to 5 years for the first offense, 10 years for the second offense, and 15 years for any subsequent offense. No person convicted for the offense of armed criminal action shall be eligible for parole, probation, conditional release or suspended imposition or execution of sentence for the minimum period of imprisonment or eighty-five percent of the sentence imposed, whichever is greater. In order to be subject to conviction for a second or subsequent offense of armed criminal action, the offense must arise from a separate occurrence from the first or second offense.


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
Department of Public Safety - Missouri State Highway Patrol
Missouri Office of Prosecution Services
Office of State Courts Administrator
State Public Defender's Office



Julie Morff
Director
January 17, 2020



Ross Strobe
Assistant Director
January 17, 2020