

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3895H.02I
Bill No.: HB 2088
Subject: Department of Corrections; Probation and Parole; Employees - Employers; Crimes and Punishment
Type: Original
Date: January 24, 2022

Bill Summary: This proposal establishes the Earning Safe Reentry Through Work Act of 2021.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
General Revenue	(Unknown, Greater than \$250,000)	\$0 or Unknown	\$0 or Unknown
Total Estimated Net Effect on General Revenue	(Unknown, Greater than \$250,000)	\$0 or Unknown	\$0 or Unknown

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
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 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on FTE	0	0	0

- ☒ 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 2023	FY 2024	FY 2025
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§217.703 and 217.704 – Offender work-for-time credits

Officials from the **Department of Corrections (DOC)** state this proposal establishes the Earning Safe Reentry Through Work Act of 2021.

This bill modifies current earned compliance credit legislation to reduce the number of days credited for monthly compliance from 30 to 20; and, introduces section 217.704, which outlines terms and conditions for offenders to earn a one-day reduction in sentence for each day of eligible employment.

The proposed reduction in the number of days of monthly compliance credit presents some potential for an increase in the number of individuals supervised in the community, as supervision terms will be reduced by 20 days instead of 30 days each month when the individual is found in compliance. This impact may be offset by the work-for-time credit introduced in section 217.704. Given the technical requirements for the documentation and verification of offender employment outlined in this section, coupled with the fact not all of this information is currently available in the department's offender management system, it is not possible to estimate the impact of this proposal on offender populations at this time.

In addition, the department currently has an automated system to calculate earned compliance credits. The system was designed to calculate in 30 day increments. Therefore, in order to automate the calculation, modification to the current system would be necessary. Without automation, the department would have to calculate these credits by hand which would be labor intensive for Probation and Parole Officers.

DOC states the automated system functionality to calculate earned compliance credits, the expense associated with incorporating these changes into the existing system, will exceed \$250,000. DOC will have to contract with a vendor to perform a full analysis, design and development to the existing batch jobs that calculate earned compliance credits (monthly and daily) and meet the needs of the new twenty-day credit and the "work-for-time" credit. The system currently does not have any features or functionality to track "work-for-time" credit.

Oversight does not have any information contrary to that provided by DOC. Oversight will assume the IT system modifications will be made in FY 2023 and will reflect DOC's impact of (Unknown, greater than \$250,000) for FY 2023 and no impact in FY 2024 and subsequent years. Oversight assumes this new program may decrease populations for DOC; therefore, Oversight will reflect a potential savings (\$0 or Unknown) in FY 2024 & FY 2025.

Officials from the **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The creation of additional responsibilities (e.g., monitoring and filing motions for persons deemed eligible for the program) for county prosecutors and the circuit attorney may, in turn, result in additional costs, which are difficult to determine.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (6 Mo.)	FY 2024	FY 2025
GENERAL REVENUE FUND			
<u>Savings</u> – DOC – potential impact to the population from the Earning Safe Reentry Through Work Act of 2021	\$0	\$0 or Unknown	\$0 or Unknown
<u>Cost</u> – DOC (§§217.703 and 217.704) Modification to earned compliance credits system p. 3	<u>(Unknown, Greater than \$250,000)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Unknown, Greater than \$250,000)</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (6 Mo.)	FY 2024	FY 2025
	<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 bill establishes the "Earning Safe Reentry Through Work Act of 2021".

Offenders may earn a credit that is equal to a one-day reduction in a sentence for maintaining eligible employment. The Division of Probation and Parole within the Department of Corrections shall award work-for-time credits to any offender who is:

(1) Not subject to lifetime supervision under Sections 217.735 and 559.106, RSMo or otherwise found to be ineligible to earn credits by a court as specified in the bill;

(2) On probation, parole, or conditional release for:

(a) An offense listed in Chapter 579;

(b) An offense previously listed in Chapter 195; or

(c) Any class D felony or class E felony excluding the offenses of stalking in the first degree, rape in the second degree, sexual assault, sodomy in the second degree, deviate sexual assault, assault in the second degree under subdivision (2) of subsection 1 of Section 565.052, sexual misconduct involving a child, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of Section 568.045, incest, invasion of privacy, abuse of a child, or any offense of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of Section 565.060, as such offenses existed prior to January 1, 2017;

(3) Supervised by a court or the board; and

(4) In compliance with the conditions of supervision imposed by the sentencing court or board.

A sentencing court or the board may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that the offender placed on probation, parole, or conditional release for an offense listed below is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the offender may earn compliance credits under this section. An offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision. Offenses for which a court or board may make such motions are:

(1) Involuntary manslaughter in the second degree;

(2) Assault in the second degree except under subdivision (2) of subsection 1 of Section 565.052 or Section 565.060 as it existed prior to January 1, 2017;

(3) Domestic assault in the second degree;

(4) Assault in the third degree when the victim is a special victim or assault of a law enforcement officer in the second degree as it existed prior to January 1, 2017;

(5) Statutory rape in the second degree;

(6) Statutory sodomy in the second degree;

(7) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of Section 568.045; or

(8) Any case in which the defendant is found guilty of a felony offense under Chapter 571.

Each supervised offender who maintains eligible employment shall accrue work-for-time credits if the offender provides supporting documentation of eligible employment to the officer responsible for the offender's supervision within five working days of the conclusion of each 30 day period in which the offender maintains eligible employment. The officer shall verify the offender's eligible employment through the offender's supporting documentation and any other means that the Division of Probation and Parole determines necessary. The officer shall record the supporting documentation and the offender's accrual of all work-for-time credits within five working days of verifying the offender's eligible employment.

An offender, including an offender who is being supervised in another state, shall accrue 20 work-for-time credits for every 30 day period in which the offender maintains eligible employment, except for the 60 day period immediately prior to the supervised offender's adjusted sentence end date during which no work-for-time credits shall accrue. On the revocation of probation, parole, or conditional release or on a new criminal conviction, an offender forfeits all work-for-time credit previously accrued. An offender shall not receive work-for-time credits if the offender's supporting documentation is unverifiable, inaccurate, or absent. If a request for work-for-time credits is denied, the officer shall record the reason for the denial of work-for-time credits and make that information available to the offender.

Any offender who is deemed by the Division to be an absconder shall not earn credits. This means offenders who leave their place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder when such offender is available for active supervision.

The award or rescission of any credits earned under this Section shall not be subject to appeal or any motion for post-conviction relief.

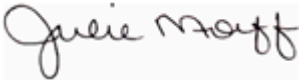
The officer responsible for supervising an offender who accrues work-for-time credits shall notify the sentencing court of the offender's accrual of work-for-time credits not less than 60 days before the date of final discharge, which includes the accrual of work-for-time credits up to the date of the notification.

This bill has a delayed effective date of January 1, 2023.

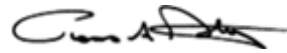
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Missouri Office of Prosecution Services
Office of the State Courts Administrator



Julie Morff
Director
January 24, 2022



Ross Strobe
Assistant Director
January 24, 2022