

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1206-01
Bill No.: HB 692
Subject: Civil Rights; Prisons and Jails; Crimes and Punishment
Type: Original
Date: February 19, 2019

Bill Summary: This proposal increases the amount a wrongfully imprisoned person may receive from \$50 per day to \$100 per day.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	(Up to \$91,250 or Unknown)	(Up to \$91,250 or Unknown)	(Up to \$91,250 or Unknown)
Total Estimated Net Effect on General Revenue	(Up to \$91,250 or Unknown)	(Up to \$91,250 or Unknown)	(Up to \$91,250 or Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on FTE	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 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§650.058 - Wrongfully imprisoned persons

Officials from the **Department of Corrections (DOC)** state this legislation increases the amount a wrongfully imprisoned person may receive from \$50 per day to \$100 per day.

Section 650.058 states that any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime solely as a result of DNA profiling analysis may be paid restitution. Currently, these individuals may receive an amount of \$50 per day for each day of post-conviction incarceration for the crime for which the individual is determined to be actually innocent. These payments are capped at \$36,500 per year which constitutes restitution for two years of wrongful incarceration. This legislation proposes to raise the amount to \$100 per day but leaves the payments capped at \$36,500 per year. No individual would receive more in a given year than he/she is currently receiving but would receive the payment for a longer period of time.

Since FY07, the DOC has paid restitution for up to five offenders per year. In FY19, there are two offenders receiving restitution payments. The DOC is unable to project the number of offenders who will be found "actually innocent" as a result of DNA analysis in any given year. However, if this legislation passes, each of those individuals will receive \$36,500 per year for each year of wrongful incarceration.

It is unclear if this legislation would allow people who have already filed a petition to receive restitution for time wrongfully served in the DOC to refile and seek the extra \$50 per day. The DOC is unable to determine the impact of this legislation; therefore, the DOC's response will be an "unknown" cost.

Oversight notes the DOC in the past has paid restitution for up to five offenders per year at a daily cost of \$50 or \$91,250 (5 offenders x \$50 x 365 days) for each year of wrongful incarceration. This legislation increases the amount a wrongfully imprisoned person may receive from \$50 to \$100 per day. Since it is unknown whether the DOC could have to pay for more than five offenders annually, Oversight will reflect DOC's impact as (Up to \$91,250 or Unknown) due to a variance in the number of persons granted restitution.

Officials from the **Office of Administration - Budget & Planning** defers to the Department of Corrections for a fiscal impact.

ASSUMPTION (continued)

Oversight notes that the **Attorney General’s Office** has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for that agency.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
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GENERAL REVENUE FUND

Costs - DOC (\$650.058)

Increased payouts to wrongfully imprisoned persons	<u>(Up to \$91,250 or Unknown)</u>	<u>(Up to \$91,250 or Unknown)</u>	<u>(Up to \$91,250 or Unknown)</u>
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ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Up to \$91,250 or Unknown)</u>	<u>(Up to \$91,250 or Unknown)</u>	<u>(Up to \$91,250 or Unknown)</u>
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<u>FISCAL IMPACT - Local Government</u>	<u>FY 2020</u> <u>(10 Mo.)</u>	<u>FY 2021</u>	<u>FY 2022</u>
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Currently, when an individual is found guilty of a felony and later found innocent of the crime as the result of a DNA profiling analysis the individual may be paid restitution in the amount of \$50 for each day of postconviction incarceration. This bill increases the amount to \$100 per day.

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

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SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Office of Administration -
Budget & Planning



Kyle Rieman
Director
February 19, 2019

Ross Strobe
Assistant Director
February 19, 2019