

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1673-02  
Bill No.: Perfected HB 635  
Subject: Corrections Department; Children and Minors; Prisons and Jails  
Type: Original  
Date: April 29, 2013

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Bill Summary: This proposal changes the age limit and requirements for the correctional treatment programs for first offenders.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<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.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</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 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Corrections (DOC)** state on June 20, 2012, the Department of Justice published the final federal standard on the Prison Rape Elimination Act (PREA) and it took effect August 20, 2012. DOC has one year from the effective date to come into full compliance with the revised PREA standards. Section 115.14 requires DOC to provide sight and sound segregation for youthful offenders under 18 years of age (17 and under). Missouri currently provides such segregation for offenders under 17 years of age (16 and under).

Passage of HB 635 would provide for operational efficiencies for the DOC in that all offenders under 18 could be housed together and sight and sound segregated from adult offenders age 18 and over. The DOC considers that housing the under 17 year olds with the 17 year olds does not impact the safety of the under 17 year olds. In fact, the research done for the Adult Internal Classification System (AICS) review supports integrating the two groups of young offenders.

If this bill were not to pass, the DOC would be required by current MO statute to maintain segregation for 3 groups as opposed to 2:

- 1) offenders under 17 years of age (16 and under,)
- 2) offenders 17 years of age, and
- 3) offenders 18 years of age and older.

Combining all youthful offenders, yet keeping them separate from the adult offender population, makes sense fiscally and programmatically and also provides compliance with the new PREA standard with no added fiscal impact to the DOC.

Officials from the **Office of Prosecution Services** and the **Department of Social Services** each assume the proposal would not fiscally impact their respective agencies.

According to officials from the **Office of the Secretary of State (SOS)**, many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of

ASSUMPTION (continued)

supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **Joint Committee on Administrative Rules** state this legislation is not anticipated to cause a fiscal impact beyond its current appropriation.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<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

The proposed legislation appears to have no direct fiscal impact.

This legislation would not duplicate any other program and would not require additional capital improvements or rental space. This legislation is federally mandated, part of the Prison Rape Elimination Act (PREA).

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SOURCES OF INFORMATION

Department of Corrections  
Department of Social Services  
Office of Prosecution Services  
Office of the Secretary of State  
Joint Committee on Administrative Rules



Ross Strope  
Acting Director  
April 29, 2013

RS:LR:OD