

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO. 4049-01  
BILL NO. HB 1646  
SUBJECT: Transfers Board of Probation and Parole  
TYPE: Original  
DATE: March 6, 2000

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	\$0	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>(Unknown)*</b>	<b>(Unknown)*</b>

\* Unknown costs for moving expenses, automation changes.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
<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 LOCAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses

This fiscal note contains 9 pages.

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**FISCAL ANALYSIS**

ASSUMPTION

Officials from the **Office of Administration, Department of Labor and Industrial Relations, Office of Attorney General, Office of Prosecution Services,** and the **Office of State Public Defender** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Secretary of State (SOS)** assume there would be costs due to additional publishing duties related to the departments' authority to promulgate rules, regulations, and forms. SOS estimates the division could require approximately 36 new pages of regulations in the Code of State Regulations at a cost of \$26.50 per page, and 54 new pages in the Missouri Register at a cost of \$22.50 per page. Costs due to this proposal would be \$2,169, the actual fiscal impact would be dependent upon the actual rulemaking authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal; however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

**Oversight** assumes 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. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would provide for the transfer of the present Board of Probation and Parole and associated central support staff from the Department of Corrections to the judicial branch effective July 1, 2001 (FY 02). The Board and some related staff would continue as an independent entity with responsibility for making parole decisions. Probation and Parole supervision would be transferred to a new division of the Office of State Courts Administrator under the "Chief State Supervisor" and the circuit courts.

Provision is made for the transfer of the core budget and associated central support staff and budget. Assuming that the budget is currently adequate to do the job and that normal increases are not attributed to the transfer legislation, there should be no significant direct costs except for the following issues:

A survey of existing data processing equipment would need to be made to determine compatibility with the judicial branch system, and there would be some costs associated with moving them onto the same network and email system.

ASSUMPTION (continued)

It may not be possible to break out adequate proportional central support staff if single positions or equipment are providing specialized services to Probation and Parole as well as other Department of Correction's operations. In that event, there would be some additional staff needed. CTS would expect to include some moving, space, and other relocation costs in an FY 02 supplemental and the FY 02 budget, but the amounts cannot be determined at this time.

The Governor's FY 01 budget recommends 2118.69 FTE and \$86,951,644 for the operation of the current Board of Probation and Parole.

If enacted, there would need to be an analysis of current programs, services and organization, and plans developed on how to best fit existing resources into a sound judicial model for service delivery. The result of that process could be the subject of budget requests in future years.

Considerable time and cooperation between the judicial branch and the Department of Corrections and some assistance from the Office of Administration will be required to work out the details and financing of a transfer of this sort, and that cannot be done until the legislation is enacted.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assume the proposed legislation places the Board of Probation and Parole under the judicial branch of government instead of the Department of Corrections. The legislation also states that the Superintendent of the Missouri State Highway Patrol shall determine the content of firearms training and provide firearms certification and recertification training for members of the board of parole.

According to the Board of Probation and Parole, there are approximately 1,200 probation and parole officers statewide with approximately 500 of those officers currently authorized to carry firearms. The initial firearms training required of the officers would be based upon the Missouri P.O.S.T Commission mandates for the law enforcement school curriculum which requires 40 hours of courses. This initial training will consist of around 1,500 rounds of .38 caliber reload practice ammunition, 75 paper targets, and 15 target backers per person.

Initial Training:

1,500 rounds of .38 caliber reload practice ammunition @ \$.11/round	\$165
75 paper targets @ \$.16/target	\$12

15 target backers @ \$.19/backer \$3  
\$180/person

ASSUMPTION (continued)

Cost of initial training for 1,200 officer (\$180 x 1,200) \$216,000

There would be three mandatory qualifications per year.

Total number of rounds for three qualifications - 372 @ .11/round	\$41
24 paper targets @ \$.16/target	\$4
3 target backers @ \$.19/backer	<u>\$1</u>
	\$45/person

Qualification cost for 1,200 officers (\$45 x 1,200) \$54,000

The training would require use of the facility for 6 days. The cost of the facility is \$15/day.

6 days @ \$15/day = \$90/student	
Facility costs for 1,200 officers	\$108,000

The Patrol's Training Division would require two additional FTE to assist in training probation and parole officers in the use of firearms. These two positions would be at the rank of sergeant. The following calculations indicate justification for the two FTE:

Instructor time for 1,200 officers

60 weeks	Initial Training (60 weeks to train 1,200 @ 20/week)
24 weeks	Qualifications (20 people/day. 120 days = 24 weeks to qualify 1,200 officers)
<u>30 weeks</u>	F.A.T.S. Training (Each officer receives one hour. 1,200 hours = 150 days = 30 weeks for 1,200 officers.)
114 weeks	Total

This would require 2 additional FTE in the training division (114 weeks divided by 52 weeks/year).

The responsibilities of the FTE would include training probation and parole officers in the use of firearms, as well as accommodating the instructional workload, developing new and enhanced curricula, and performing various tasks as assigned by the training director.

ASSUMPTION (continued)

Long-range implications

Currently, there are 500 probation and parole officers authorized to carry firearms. The choice to carry is left to the probation and parole officers. After the first three years, it is unpredictable how many additional officers will choose to carry a firearm in the performance of such member's duty.

**Oversight** assumes that the 500 probation and parole officers who are currently authorized to carry firearms have received training requirements similar or identical to those required by the Missouri POST Commission. Oversight assumes that the number of officers who currently choose to carry weapons will not increase or decrease significantly based on the outcome of this proposal. Therefore, the costs of training those officers will remain the same. Oversight has shown training costs for 500 officers as well as the costs for 1 FTE Probationary Patrolmen based on MHP's cost assumptions noted above. Oversight assumes this cost will continue to be funded from General Revenue. Conversely, Oversight has shown a corresponding savings to General Revenue as the Department of Corrections will no longer be responsible for providing this training.

Officials from the **Department of Corrections (DOC)** assume approximately 2,100 FTE, \$64,770,980 in Personal Service and approximately \$22,000,000 in E&E directly assigned to probation and parole functions would be transferred to the OSCA on July 1, 2001. In addition, the portion of support staff, equipment and resources allocable by percentage to these functions and activities would be transferred from the DOC central and regional support sections including: Personnel, Procurement, Recruitment and Retention, Staff Training, Employee Health and Safety, General Services, Property Control, Fiscal Management, Contract Compliance/Auditing, Budget and Planning, Information Systems Unit, Legal Counsel, Offender Rehabilitative, Services.

DOC achieves considerable efficiency/economy through central and regional support of the direct service divisions such as Adult Institutions, Probation and Parole and Offender Rehabilitative Services. By way of example:

1. Personnel assigned to the Division of Human Services, provide all basic and the majority of in-service, supervisory/management training to Department employees including probation and parole staff. Most of the classes conducted include probation and parole

with other department staff.

2. Central and regional health and safety resources provide tuberculosis testing, Hepatitis and flu vaccinations, as well as safety inspections to all department employees and work sites.

ASSUMPTION (continued)

3. Central Purchasing and Accounting staff process purchase and billings for all divisions.
4. A central Information Systems Unit provides networking, equipment and 24-hour support for over 9,500 department users including probation and parole officers accessing department electronic data systems and the combined offender database (OP II).

Because DOC combines support resources as listed above, DOC is unable to determine the exact number of FTE needed each day to establish separate support for an independent Parole Board in the judiciary and independent probation services in the Office of State Court Administrator. However, assuming that a transfer of some FTE from each of the identified sections will occur on July 1, 2001, DOC will no longer be able to shift the shared support resources to accommodate the changing Divisional needs throughout the fiscal year in the same manner. This will result in a shortfall in FTE and related resources to meet the ongoing needs of the Divisions of Adult Institutions, Human Resources, Offender Rehabilitative Services, and the Office of Director that will remain after the date of transfer.

If it is determined that the shortfall in FTE is only one-half of one position for each of the 13 identified support sections, the fiscal impact of adding 6.5 new FTE at an average salary of \$25,000 will easily exceed \$100,000 per year. It is assumed that a similar need will exist in the judiciary and the Office of State Courts Administrator when the independent functions of the Parole Board and probation services are transferred.

Likewise, the Department through full and part-time staff and the use of professional services, provides substance abuse assessment, specialized education and treatment for offenders under DOC supervision. To create the maximum benefit, these treatment services are provided to probationers, parolees and inmates as effective intervention and relapse prevention strategies: in the community, in community release centers, in institutional treatment centers, and in institutions

To avoid duplication and maximize utilization, assignment of offenders to treatment programs and services is primarily accomplished from a department perspective. This promotes economy and increases effectiveness as offenders receive treatment consistent with their assessed need at the most appropriate time and place. Under the present proposal, it is more likely that unknown additional costs for services with fewer offenders placed in treatment at the appropriate time will result as multiple and sometimes competing jurisdictions will order offenders assigned to a

limited number of treatment programs and resources.

**Oversight** assumes any shortfall in FTE would be nearly proportional to the decrease in duties and could be absorbed with existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
<b>GENERAL REVENUE</b>			
<u>Costs</u> - Office of State Courts Administrator	\$0	(Unknown)	(Unknown)
<u>Savings</u> - Department of Corrections (2118 FTE) Salaries and Operational Costs	\$0	\$90,429,710	\$94,046,898
<u>Costs</u> - Office of State Courts Administrator (2118 FTE) Salaries and Operational Costs	\$0	(\$90,429,710)	(\$94,046,898)
<u>Savings</u> - Department of Corrections	\$0	\$197,244	\$198,217
<u>Costs</u> - Missouri Highway Patrol			
Salaries	\$0	(28,118)	(\$28,821)
Fringe Benefits	0	(10,791)	(11,061)
Expense and Equipment	0	(158,335)	(158,335)
Total	\$0	(\$197,244)	(\$198,217)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>\$0 (Unknown) (Unknown)</u></b>		

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	0	0	0

FISCAL IMPACT - Small Business

No direct fiscal impact on small businesses would be expected due to this proposal.

## DESCRIPTION

Effective July 1, 2001, this proposal transfers the Board of Probation and Parole from the Department of Corrections to the judicial branch of state government. In its major provisions, the proposal:

- (1) Authorizes the Department of Corrections rather than the Board of Probation and Parole to supervise offenders released to the house arrest program;
- (2) Transfers the staff of the Board of Probation and Parole to the Board of Parole within the judicial branch. A percentage of the personnel, property, and equipment attributed to the administrative operations of the department must also be transferred to the Office of the State Courts Administrator (Section 549.603);
- (3) Authorizes the state's circuit courts to supervise offenders who have been paroled or sentenced to probation. The State Courts Administrator must allocate probation and parole officers to the circuit courts (Section 549.603);
- (4) Requires the board's headquarters to be located in Jefferson City;
- (5) Requires a paroled offender to be transferred from the department to the jurisdiction of the court that originally sentenced the offender (Section 549.618);
- (6) Requires a court which placed an offender on probation to conduct preliminary hearings of alleged violations of probation. Current law allows the court in the county of the alleged violation or staff of the Board of Probation and Parole to conduct the hearing (Section 549.636.2);
- (7) Requires the Superintendent of the Missouri Highway Patrol rather than the Department of Corrections to determine the content of firearms training for probation and parole officers. The firearm, holster, and ammunition must be purchased at the officer's expense (Section 549.645). Current law allows the department to purchase ammunition;

(8) Requires the Director of the Department of Corrections, prior to October 1, 2000, to forward to the State Courts Administrator a report listing all persons employed by the Board of Probation and Parole including salaries and job titles, all persons employed by the Board of Probation and Parole who have transferred to another position within the Department of Corrections between January 1, 2000, and the date of the report, all property that is transferred from the Board of Probation and Parole between January 1, 2000, and the date of the report, and all employees of the Board of Probation and Parole who have received, between July 1, 2000, and the date of the report, an increase in compensation greater than the increase authorized by Section 105.005.

DESCRIPTION (continued)

Similar reports must be delivered by the Director on January 1, 2001, April 1, 2001, and July 1, 2001 (Section 549.648); and

(9) Requires the Director of the Department of Corrections to assign senior staff of the department to work with the State Courts Administrator to effect the transfer of the Board of Probation and Parole to the judicial branch.

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

Office of Attorney General  
Office of State Courts Administrator  
Department of Corrections  
Department of Public Safety  
Missouri Highway Patrol  
Office of Secretary of State  
Office of Administration  
Department of Labor and Industrial Relations  
Joint Committee on Capital Improvements  
Missouri State Employee Retirement System  
Office of Prosecution Services  
Office of State Public Defender  
11<sup>th</sup> Judicial Circuit  
13<sup>th</sup> Judicial Circuit  
16<sup>th</sup> Judicial Circuit  
19<sup>th</sup> Judicial Circuit  
21<sup>st</sup> Judicial Circuit

L.R. NO. 4049-01  
BILL NO. HB 1646  
PAGE 10 OF 9  
March 6, 2000

22<sup>nd</sup> Judicial Circuit

**NOT RESPONDING: Joint Committee on Capital Improvements, Missouri State  
Employee Retirement System, 11<sup>th</sup> Judicial Circuit, 13<sup>th</sup> Judicial Circuit, 16<sup>th</sup> Judicial  
Circuit, 19<sup>th</sup> Judicial Circuit, 21<sup>st</sup> Judicial Circuit, 22<sup>nd</sup> Judicial Circuit**



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Director  
March 6, 2000