

### Fiscal Estimate - 2011 Session

Original       Updated       Corrected       Supplemental

LRB Number **11-2469/2**      Introduction Number **AB-0284**

**Description**  
Relating to: eliminating the right to refuse probation

**Fiscal Effect**

**State:**  
 No State Fiscal Effect  
 Indeterminate  
 Increase Existing Appropriations       Increase Existing Revenues  
 Decrease Existing Appropriations       Decrease Existing Revenues  
 Create New Appropriations  
 Increase Costs - May be possible to absorb within agency's budget  
 Yes       No  
 Decrease Costs

**Local:**  
 No Local Government Costs  
 Indeterminate  
1.  Increase Costs      3.  Increase Revenue  
 Permissive  Mandatory       Permissive  Mandatory  
2.  Decrease Costs      4.  Decrease Revenue  
 Permissive  Mandatory       Permissive  Mandatory  
5. Types of Local Government Units Affected  
 Towns       Village       Cities  
 Counties       Others  
 School Districts       WTCS Districts

**Fund Sources Affected**      **Affected Ch. 20 Appropriations**  
 GPR    FED    PRO    PRS    SEG    SEGS

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## Fiscal Estimate Narratives

DOC 10/13/2011

LRB Number	11-2469/2	Introduction Number	AB-0284	Estimate Type	Original
<b>Description</b> Relating to: eliminating the right to refuse probation					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, except with convictions for certain serious crimes, the sentencing judge may withhold an individual's sentence or impose a sentence and stay its execution, and in either case place the individual on probation. The judge may impose any conditions that are reasonable and appropriate on the person to meet their needs for punishment or rehabilitation, including community service. The convicted person has the right to refuse to be placed on probation and opt instead for imprisonment.

This bill would not permit an individual to refuse to be placed on probation or refuse any condition of probation, except if the judge orders a person to perform community service as part of their probation. The individual and the public agency or charitable organization would still need to agree to the terms of the community service under this bill.

The Department is unable to determine how many individuals would be required to be placed on probation as a result of passage of this bill that would have instead chosen to refuse probation or a condition of probation and be sentenced to a county jail to serve their sentence under current law. It can be assumed that most individuals who have refused probation in the past were placed in a county jail to serve their sentence. This bill will likely reduce the number of jail bed days served, and increase the number of offenders placed on probation.

The average FY11 annual cost for an offender on probation was \$2,900. The annual cost for an inmate in a county jail is approximately \$18,300.

### Long-Range Fiscal Implications