

### Fiscal Estimate - 2011 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 11-3570/1	<b>Introduction Number</b> AB-0660
<b>Description</b> Revocation of parole, probation, or extended supervision	
<b>Fiscal Effect</b>	
<b>State:</b> <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs	
<b>Local:</b> <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input checked="" type="checkbox"/> Increase Costs                  3. <input type="checkbox"/> Increase Revenue                  5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs                  4. <input type="checkbox"/> Decrease Revenue <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
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<b>Date</b> 3/20/2012	

## Fiscal Estimate Narratives

DOC 3/20/2012

LRB Number 11-3570/1	Introduction Number AB-0660	Estimate Type Original
<b>Description</b> Revocation of parole, probation, or extended supervision		

### Assumptions Used in Arriving at Fiscal Estimate

Under current Administrative Code, the Department of Corrections (DOC) shall take an offender into custody and detain them if the offender is alleged to have been involved in assaultive or dangerous conduct. Furthermore, a client may be taken into custody and detained: (a) for investigation of an alleged violation by the offender; (b) after an alleged violation by the offender to determine whether to commence revocation proceedings; (c) for disciplinary purposes; or (d) to prevent a possible violation by the offender.

If DOC proceeds with revocation, under current Administrative Code, detention is advisable if one of the following is true: (1) the client is believed to be dangerous; (2) there is a likelihood that the client will flee; (3) the client is likely to engage in criminal behavior before the revocation takes place; (4) the client is likely to engage in an activity that does not comply with rules and conditions of supervision; or (5) the length of the term to be served upon revocation is great. It is believed the vast majority of offenders against whom revocation proceedings are initiated by DOC are taken into physical custody.

Under this bill, if DOC alleges that a felon on community supervision committed a new crime or one or more of the specified violations of community supervision in this bill, DOC is required to take physical custody of the offender (at a DOC facility, detention facility, or county jail) until any revocation issues are resolved. If DOC opts not to seek revocation of a felon's supervision, DOC must notify the district attorney for the county where the felon was convicted, who then has 30 days to initiate revocation proceedings.

Additional offenders may be required to be placed into physical custody pending the outcome of revocation proceedings under this legislation. Although the Department cannot estimate this number of offenders, in FY11, the Department attempted 12,212 revocations. There are approximately 7,500 absconders currently under Department supervision. Prohibiting contact with a victim, witness, or a minor if the crime was against a child, is a common rule of supervision.

In any case in which there is a hearing before the division of hearings and appeals in the department of administration concerning whether to revoke a person's supervision, the district attorney may seek review of the division's decision to not revoke supervision and has 60 days to make a decision regarding an appeal. This may require some offenders to be placed into physical custody for longer periods pending appeal of revocation decisions.

Counties are currently reimbursed by DOC for offenders placed in county jails if they are felons and have been placed in custody due to violating the terms and conditions of supervision, if the behavior does not constitute a new criminal offense. A sum certain appropriation is used for this reimbursement, and is prorated in the event additional holds occur. If the appropriation is not increased, overall county revenues would not change if additional offenders are placed into custody, potentially increasing costs for counties.

Under current law, DOC may use intermediate sanctions in lieu of revocation. Such intermediate sanctions include Alternatives to Revocation (ATR's) provided within DOC facilities or in the community, and Extended Supervision Sanctions (ES Sanctions) which place offenders within county jails. To be eligible for such an intermediate sanction, the offender must voluntarily participate by signing a statement admitting the violation.

Under this bill, such intermediate sanctions may not be permitted if DOC alleges that a felon on community supervision committed a new crime or one or more of the specified violations of community supervision in this bill, and a district attorney pursues revocation. Also under this bill, if a felon on supervision (extended supervision or parole) is found to have committed a new crime or one or more of the specified violations, the offender would be subject to mandatory minimum re-incarceration times after revocation. These re-incarceration times vary between half of the time remaining on an offender's sentence to a minimum of 5 years for released offenders serving life sentences.

The Department could see increased costs under this bill if the cost of mandatory minimum re-incarceration time provided to certain offenders under this bill exceeds re-incarceration times currently provided to revoked offenders, or if re-incarceration time exceeds current time required of offenders in physical custody associated with intermediate sanctions. The cost for an ES Sanction placement is approximately \$2,300 (assuming a 45 day placement in county jail).

The average FY11 annual cost for an inmate in a DOC institution (including revoked offenders) is approximately \$33,500. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$5,200, based on FY11 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

### **Long-Range Fiscal Implications**