

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 19-5321/1	Introduction Number AB-0809
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Description
 earned release from parole or extended supervision and discharge from probation

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Increase Existing Revenues	<input 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 type="checkbox"/> No
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Decrease Costs

Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By DOC/ Emily Lindsey (608) 240-5413	Authorized Signature Paulina De Haan (608) 240-5056	Date 2/4/2020
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Fiscal Estimate Narratives

DOC 2/4/2020

LRB Number	19-5321/1	Introduction Number	AB-0809	Estimate Type	Original
Description earned release from parole or extended supervision and discharge from probation					

Assumptions Used in Arriving at Fiscal Estimate

This bill specifies that an individual who is on probation for committing certain violent crimes may not be discharged early from probation, and an individual who is serving a sentence in prison for certain violent crimes does not qualify for programs that allow early release to parole or extended supervision.

Under current law, the court may discharge a person from probation after he or she has completed 50 percent of his or her period of probation if he or she has met all the rules and conditions of probation. Under this bill, a person is not eligible to be discharged from probation under this provision if he or she is on probation for certain violent crimes. To determine the potential impact of this bill, the Department looked at the probation population on July 1, 2019. Under current law, 2,259 probationers met criteria for early discharge from probation. Of those individuals, 472 of them had been convicted of at least one of the offenses that, under this bill, make them ineligible for early discharge from probation.

Under current law, the Department of Corrections provides certain programs that allow inmates to qualify for release to parole or extended supervision, regardless of the amount of time that the inmate has served. Under current law, an inmate is ineligible for these programs if he or she is serving a sentence for certain violent crimes. This bill adds certain other violent crimes to the list of crimes that make an inmate ineligible for these programs. To determine the potential impact of this bill, the Department looked at the prison population on June 30, 2019. Under current law, 5,790 inmates met criteria for the earned release program. Of those individuals, 1,771 of them had been convicted of at least one of the offenses that, under this bill, make them ineligible for release to parole or extended supervision.

On June 30, 2019 under current law, 5,790 inmates met criteria for the challenge incarceration program. Of those individuals, 1,522 of them had been convicted of at least one of the offenses that, under this bill, make them ineligible for these programs.

Under current law, an inmate may petition for a reduced term of confinement in prison if that inmate has reached a certain age or has an extraordinary health condition. Under this bill, an inmate is ineligible for the reduced term of confinement based on age or an extraordinary health condition if the inmate is serving a sentence for certain violent crimes. To determine the potential impact of this bill, the Department looked at the prison population on June 30, 2019. Under current law, 73 inmates met the requirements for petitioning for extraordinary health release. Of those individuals, 35 of them had been convicted of at least one of the offenses that, under this bill, make them ineligible for petitioning for extraordinary health release.

Under current law, DOC may use the special action release program to relieve crowding in state prisons by releasing certain inmates to parole. Under this bill, an inmate is not eligible for special action release if he or she is serving a sentence for certain violent crimes. The Department has not utilized special action releases in recent history, therefore the change proposed under the bill is anticipated to have no fiscal impact.

In total, on June 30, 2019 13,912 individuals were eligible under current law for the programs addressed by this bill. (It is possible that of the 13,912 individuals, some of them could be eligible for more than one of the programs addressed by this bill.) Under the bill, if those individuals would have been sentenced after this bill became law, 3,800 would no longer be eligible for the programs addressed by this bill. This change may result in more individuals remaining in prison or on community supervision longer than under current law. The Department does not have data to estimate the total fiscal impact of the bill. Due to the large number of individuals affected by the bill, it could be argued that costs to the Department may increase. However, in most cases, judges make sentence reduction decisions for the programs addressed by this bill on a case-by-case basis. Due to the

variation in practices for these programs, the fiscal impact is indeterminate.

If the bill results in a change in the population in DOC institutions or individuals under community supervision, state costs could change. The average FY19 annual cost for an inmate in a DOC institution is approximately \$33,100. 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 \$6,300 based on FY19 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person. The average FY19 annual cost to supervise one offender is approximately \$3,200.

Long-Range Fiscal Implications