



**Fiscal Estimate Narratives**  
**DOC 2/11/2020**

LRB Number <b>19-4356/1</b>	Introduction Number <b>AB-0831</b>	Estimate Type <b>Original</b>
<b>Description</b> maximum period of imprisonment following revocation of extended supervision or probation and making an appropriation		

**Assumptions Used in Arriving at Fiscal Estimate**

This bill changes the conditions under which a person's probation, parole, or extended supervision may be revoked and allows the use of short-term sanctions as an alternative to revocation.

Under current law, a person's probation, parole, or extended supervision may be revoked if he or she violates a condition or rule of probation, parole, or extended supervision. Under this bill, a person's probation, parole, or extended supervision may not be revoked unless one of the following conditions is met:

1. The person committed three or more independent violations during his or her term of probation, parole, or extended supervision.
2. The condition that the person violated was a condition that the person not contact any specified individual.
3. The person was required to register as a sex offender with the Department of Corrections.
4. When the person violated the rule or condition, the person also allegedly committed a crime.
5. The person absconded.

Under current law, if a person admits that he or she has violated a rule or condition of probation or extended supervision, DOC may sanction the person with imprisonment for up to 90 days. Under the bill, DOC may sanction the person with imprisonment for only 30 days, unless the violation meets the grounds for revocation of probation, parole, or extended supervision, in which case DOC may sanction the person with imprisonment for up to 90 days. Of the individuals revoked under current law to prison from January 2017 to June 2018, approximately 229 individuals would have received a shorter revocation sentence under this proposed bill. On average those 229 individuals were revoked for 15 months.

Under the bill, if DOC alleges that a person on probation, parole, or extended supervision has violated a rule or condition that is not grounds for revocation, and the person does not admit to the violation or waive a hearing, the Division of Hearings and Appeals (DHA) must hold a hearing on the allegation of the violation and may impose a sanction of imprisonment for up to 30 days for the violation or up to 90 days if the violation meets the grounds for revocation. Under the bill, if the person waives a hearing, DOC may impose the sanction without a hearing. In FY18, the Department spent \$9,253,999 on an average daily population of 492 sanction beds.

This bill eliminates the current sanction process and creates a new sanction process. As described above, DHA must hold a hearing before a sanction is imposed unless the offender waives that hearing. It is possible that the bill would result in more hearings than occur under current law, any increase in hearings would result in additional costs to the Department. In FY19, DHA charged approximately \$284 per case to review and provide a disposition. Because hearings are currently not required for the Department to impose a sanction, the Department has no data to estimate the number of hearings that could occur under this proposed law change.

**Long-Range Fiscal Implications**