

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 19-4357/2	Introduction Number AB-0832
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Description
 sentence credits for time on parole or extended supervision, sentencing limitations on extended supervision, early discharge from extended supervision, making an appropriation, and providing a penalty

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease 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
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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 2/11/2020
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Fiscal Estimate Narratives
DOC 2/11/2020

LRB Number 19-4357/2	Introduction Number AB-0832	Estimate Type Original
Description sentence credits for time on parole or extended supervision, sentencing limitations on extended supervision, early discharge from extended supervision, making an appropriation, and providing a penalty		

Assumptions Used in Arriving at Fiscal Estimate

This bill limits the amount of time for which a sentencing court may sentence a person to extended supervision (ES) for certain felonies, creates an earned compliance credit for time spent on extended supervision or parole, and allows the sentencing court to discharge a person early from extended supervision.

Under current law, a person who is imprisoned for a felony committed on or after December 31, 1999, or a misdemeanor committed on or after February 1, 2003, is sentenced to a bifurcated sentence, with the first portion of the sentence served in confinement in prison and the second portion of the sentence served under extended supervision in the community. Under current law, the sentencing court has discretion in setting the length of confinement and the length of extended supervision but generally, the length of confinement may not be more than 75 percent of the total sentence and the length of extended supervision is capped based on the classification of the crime committed. This bill reduces the cap for extended supervision for a Class D felony from 10 years to 5 years. As of September 2019, 1,103 individuals were sentenced after February 1, 2003 and incarcerated in DOC institutions for a Class D or more serious felony with an extended supervision sentence of ten years or more. The Department does not have any information to determine the sentencing practices of judges if this bill were to become law. It is possible extended supervision sentences would change, which may result in individuals serving shorter sentences under community supervision.

Under current law, the Department of Corrections may not discharge a person from extended supervision until the bifurcated sentence, as set by the sentencing court, is complete. This bill allows the sentencing court to reduce the term of a person's extended supervision and discharge the person from extended supervision after he or she has served the lesser of three years or 50 percent of the term of extended supervision without violating the conditions and rules of supervision if the person has met all of his or her financial obligations, is not required to register as a sex offender, and is serving a sentence for a crime that is not a crime against life or bodily security or a specified crime against a child. Based on the Division of Community Corrections' (DCC) population as of August 2019, approximately 158 individuals could be eligible for earned discharge under this bill. The Department has no data to determine if these 158 individuals would be granted earned discharge by the sentencing court and how much time might be taken off of their extended supervision sentence. Therefore, it is unknown if any savings would be generated if this bill were to become law.

Under current law, a person's extended supervision or parole may be revoked if he or she violates a condition of the extended supervision or parole. Under current law, if extended supervision or parole is revoked, the Division of Hearings and Appeals (DHA), or DOC if the person has waived a hearing, may order incarceration for up to the length of the original sentence, less any time actually served in confinement and less any credit for good behavior. Under this bill, a person receives an earned compliance credit for time served on extended supervision or parole without any condition or rule violations before the condition or rule violation that precipitated the revocation occurred. Under the bill, a person is eligible to receive earned compliance credit for time served on extended supervision or parole only if the person is not required to register as a sex offender and is serving a sentence for a crime that is not a crime against life or bodily security or a specified crime against a child. Under the bill, if a person's extended supervision or parole is revoked, he or she may be incarcerated for up to the length of the original sentence, less any credit for time served in confinement, any credit for good behavior, and any earned compliance credit. In fiscal year 2018, 1,980 individuals on extended supervision and parole were revoked back to prison with no new sentence. It is possible that under this bill, these individuals may have received lesser revocation sentences. It is unknown how the DHA would determine earned compliance credit. The Department has no data to determine what the fiscal impact of this law change would be.

This bill requires DOC to submit an annual report to the governor, the legislature, and the director of state courts on early discharges from extended supervision and the reduced days spent in incarceration due to the earned compliance credit. Under the bill, the amount of money that DOC reports is saved through these measures is used to reduce caseloads for community supervision officers. This bill also requires DOC to review and report on the efficacy of its standard conditions and rules of supervision to the governor, the legislature, and the director of state courts.

If the bill resulted in changes to the DOC's population in prison or 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. The annual cost to house an individual in a county contract bed is approximately \$18,800 annually per person. The average FY19 annual cost to supervise one offender is approximately \$3,200.

Long-Range Fiscal Implications