

Fiscal Estimate - 2011 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 11-3570/1	Introduction Number AB-0660	
Description Revocation of parole, probation, or extended supervision		
Fiscal Effect		
State: <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 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: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <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		
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		
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Fiscal Estimate Narratives

DA 3/12/2012

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

Assumptions Used in Arriving at Fiscal Estimate

This bill changes aspects of revocation proceedings for persons who are under supervised release for a felony and who violate a condition of the supervised release. If the Department of Corrections (DOC) alleges the supervised felon committed violations, DOC is required to take physical custody of the person. If DOC elects not to seek revocation of a felon's release, the District Attorney (DA) may initiate revocation proceedings. If it is determined that the felon committed a violation, they must be reincarcerated for not less than half the time remaining on the sentence; or, if on probation, the person must be returned to court for sentencing or be required to serve the sentence that had been stayed. The bill also provides that in some cases the standard of proof is a preponderance of evidence. In the case of a supervised felon, the victim's testimony from the preliminary examination is admissible at the hearing on revocation of extended supervision.

Prosecutors provided a mixed response concerning the potential fiscal effect of this bill on their offices. Some stated that the bill will add to their workload because there are many non-revocation cases that a DA would pursue if DOC opted not to do so. Other prosecutors stated that either the bill would have little if any fiscal impact on their offices or, though the bill would add to their workload by requiring more revocation proceedings, it also would reduce the workload by re-incarcerating those on probation or extended supervision who continue to commit serious crimes. The bill protects victims from having to repeatedly appear and testify, and also attempts to create more uniformity in revocation hearings by establishing a burden of proof. These efforts should result in fewer hearings and more waivers of revocation hearings, thereby reducing the costs to DA offices.

Because prosecutors did not provide a uniform response concerning the potential fiscal impact of this bill on their offices, it is difficult to calculate a fiscal estimate for this bill; consequently, the fiscal effect is indeterminable.

Long-Range Fiscal Implications

As stated above, a long-term fiscal effect is indeterminable.