

Fiscal Estimate - 2011 Session

Original
 Updated
 Corrected
 Supplemental

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|--|--|--------------------------|
| 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 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 | | |
| Local: <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 <input checked="" 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 checked="" 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

DOA 4/13/2012

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|--|-----------------------------|------------------------|
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Assumptions Used in Arriving at Fiscal Estimate

Assembly Bill (AB) 660 changes aspects of the process of revocation hearings for probation, parole and extended supervision (all three are referred to as community supervision). Under AB 660 if an offender is on community supervision for a felony conviction and commits one of the 4 specified violations, the Department of Corrections (DOC) is required to place the offender in custody and seek revocation under the new procedures contained in AB 660.

AB 660 provides that if, after review of a case, DOC makes a determination to not seek revocation, DOC must notify the district attorney in the county where the felony took place and allow that district attorney 30 days to decide to seek revocation or not. It is difficult to determine the additional number of hearings that would result from this change. However, the Division anticipates there would be more hearings requiring additional administrative law judges, support staff and resources.

AB 660 also changes the penalties for revocation. If community supervision is revoked the offender must return to prison for at least 50% of the underlying sentence or at least five years if serving a life sentence. The increased penalties may make it more likely that offenders will contest revocation and appeal an administrative decision to the courts.

AB 660 also provides that if there is a preliminary hearing in a related criminal proceeding, a transcript of the testimony from that hearing is admissible in the final revocation. Transcripts are already admissible under current law. AB 660 requires the administrative law judge to find good cause to require the victim's appearance if a transcript is available. This determination would delay the revocation proceeding during which the offender will likely be held in custody in a jail or state correctional facility.

Local Fiscal Effect

The impact on district attorney offices is indeterminate. It is not possible to determine how many revocation cases declined by DOC and referred to district attorneys will be filed and prosecuted by the district attorney.

Long-Range Fiscal Implications

Indeterminate, but AB 660 will increase costs which cannot be absorbed by the Department.