

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-0890/1	Introduction Number SB-679
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Description
 Prohibiting revocation of probation, extended supervision, or parole for failure to pay restitution or certain fees

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
 - Yes No
- Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
 - 1. Increase Costs Permissive Mandatory
 - 2. Decrease Costs Permissive Mandatory
 - 3. Increase Revenue Permissive Mandatory
 - 4. Decrease Revenue Permissive Mandatory
- 5. Types of Local Government Units Affected
 - Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected **Affected Ch. 20 Appropriations**

GPR FED PRO PRS SEG SEGS

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Fiscal Estimate Narratives

DOC 2/8/2016

LRB Number	15-0890/1	Introduction Number	SB-679	Estimate Type	Original
Description Prohibiting revocation of probation, extended supervision, or parole for failure to pay restitution or certain fees					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who is placed on probation or who is released from confinement in prison to parole or to extended supervision may be required, as a condition of his or her release, to pay a fee to the Department of Corrections (DOC) intended to partially reimburse DOC for the costs of providing supervision and services (supervision fee). Additionally, a person who is convicted of a crime may be required to pay restitution to the victim of his or her crime. Payment of restitution may be a condition of probation or of release to probation or extended supervision.

Under current law, if a person violates a condition of probation or release to parole or extended supervision, his or her period of extension may be modified, extended, or revoked, and his or her release to parole or extended supervision may be revoked. Under this bill, a person may not have his or her probation or release to parole or extended supervision revoked solely because he or she fails to pay a supervision fee or restitution.

An analysis of revocation data from calendar years 2012-2014 shows that on average, 8 offenders per year had their supervision revoked due to failure to pay restitution. In all of these cases, there were other factors (such as illegal drug use) that lead to the revocation in addition to failure to pay restitution. Zero offenders had their supervision revoked for failure to pay supervision fees. Because other factors contributed to the 8 revocations for failure to pay restitution, it is not possible to determine if this bill would result in a change of the number of revocations.

State costs could change if this bill results in an increased or decreased number of offenders on community supervision and/or incarcerated. The average FY15 annual cost to supervise one offender is approximately \$2,800. The average FY15 annual cost to incarcerate one inmate is approximately \$32,800.

It is unknown what fiscal impact this bill would have on local government. Local costs may change if this bill results in an increased or decreased number of jail beds used by offenders being placed in jail pending revocation.

Long-Range Fiscal Implications