

### Fiscal Estimate - 2021 Session

Original       Updated       Corrected       Supplemental

<b>LRB Number</b> 21-5622/1	<b>Introduction Number</b> SB-851	
<b>Description</b> earned release from parole or extended supervision and discharge from probation		
<b>Fiscal Effect</b>  <b>State:</b> <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		
<b>Local:</b> <input type="checkbox"/> No Local Government Costs <input 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    0 <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
<b>Agency/Prepared By</b> DOC/ Dawn Woeshnick (608) 240-5417	<b>Authorized Signature</b> Paulina Gutierrez (608) 240-5056	<b>Date</b> 1/21/2022

## Fiscal Estimate Narratives

DOC 1/21/2022

LRB Number	21-5622/1	Introduction Number	SB-851	Estimate Type	Original
<b>Description</b> earned release from parole or extended supervision and discharge from probation					

### Assumptions Used in Arriving at Fiscal Estimate

This bill specifies that an individual who is on probation for committing certain violent crimes may not be discharged early from probation, and an individual who is serving a sentence in prison for certain violent crimes does not qualify for programs that allow early release to parole or extended supervision.

Under current law, the court may discharge a person from probation after he or she has completed 50 percent of his or her period of probation if he or she has met all the rules and conditions of probation. Under this bill, a person is not eligible to be discharged from probation under this provision if he or she is on probation for certain violent crimes. To determine the potential impact of this bill, the Department looked at the probation population on July 1, 2019. Under current law, 2,259 probationers met criteria for early discharge from probation. Of those individuals, 472 of them had been convicted of at least one of the offenses that, under this bill, make them ineligible for early discharge from probation.

Under current law, the Department of Corrections (DOC) provides certain programs that allow persons in our care (PIOC) to qualify for release to parole or extended supervision, regardless of the amount of time that the individual has served. Under current law, an individual is ineligible for these programs if he or she is serving a sentence for certain violent crimes. This bill adds certain other violent crimes to the list of crimes that make a PIOC ineligible for these programs. To determine the potential impact of this bill, the Department looked at the prison population on November 30, 2021. Under current law, 4,534 PIOC met criteria for the earned release program. Of those individuals, 1,503 of them had been convicted of at least one of the offenses that, under this bill, make them ineligible for release to parole or extended supervision.

On November 30, 2021 under current law, 3,141 PIOC met criteria for the challenge incarceration program. Of those individuals, 1,243 of them had been convicted of at least one of the offenses that, under this bill, make them ineligible for these programs. Under current law, a PIOC may petition for a reduced term of confinement in prison if that individual has reached a certain age or has an extraordinary health condition. Under this bill, a PIOC is ineligible for the reduced term of confinement based on age or an extraordinary health condition if the individual is serving a sentence for certain violent crimes. To determine the potential impact of this bill, the Department looked at the prison population on November 30, 2021. Under current law, 139 PIOC met the requirements for petitioning for extraordinary health release (or having reached a certain age). Of those individuals, 118 of them had been convicted of at least one of the offenses that, under this bill, make them ineligible for petitioning for extraordinary health/age release.

Under current law, DOC may use the special action release program to relieve crowding in state prisons by releasing certain PIOC to parole. Under this bill, a PIOC is not eligible for special action release if he or she is serving a sentence for certain violent crimes. The Department has not utilized special action releases in recent history, therefore the change proposed under the bill is anticipated to have no fiscal impact.

On November 30, 2021 7,814 individuals that were serving prison sentences were eligible under current law for the programs addressed by this bill. (It is possible that of the 7,814 individuals, some of them could be eligible for more than one of the programs addressed by this bill.) If those individuals would have been sentenced after this bill became law, 2,864 (or 37% of the eligible population) would no longer be eligible for the programs addressed by this bill. For those on probation in the community, approximately 33% would no longer be eligible for the early discharge program if this legislation were to pass. This change may result in more individuals remaining in prison or on community supervision longer than under current law. The

Department does not have data to estimate the total fiscal impact of the bill. Due to the large number of individuals affected by the bill, it could be argued that costs to the Department may increase. However, in most cases, judges make sentence reduction decisions for the programs addressed by this bill on a case-by-case basis. Due to the variation in practices for these programs, the fiscal impact is indeterminate.

If the bill results in a change in the population in DOC institutions or individuals under community supervision, state costs could change. The average FY21 annual cost for a PIOC in a DOC institution is approximately \$44,000. 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 PIOC is approximately \$7,500 based on FY21 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person. The average FY21 annual cost to supervise one client is approximately \$3,400.

### **Long-Range Fiscal Implications**