

FISCAL ESTIMATE DOA-2048 N(R06/99)	2011 Session	Administrative Rule Number DOC 303
	X ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	

Subject
Relating to discipline of inmates.

Fiscal Effect
State: No State Fiscal Effect
Check columns below only if bill makes a direct appropriation
or affects a sum sufficient appropriation.

<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Decrease Costs
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Local: X No local government costs

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 Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts
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Fund Sources Affected X GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	Affected Chapter 20 Appropriations 20.410 (1) (a)
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Assumptions Used in Arriving at Fiscal Estimate

DOC Rule 303 is the Administrative Rule relating to inmate conduct, inmate discipline, and procedures for the imposition of discipline. This rule has not been updated since December 2000.

This revision repeals, amends, and creates several definitions related to offenses for which inmates may be disciplined to increase consistency in application of the rule and to more clearly identify inmate misconduct. Additional offenses for which inmates may be disciplined are created to reflect changes in practice and technologies. The use of program segregation and adjustment segregation as penalties is eliminated, as the loss of good time associated with these penalties has had an insufficient deterrent effect. The revised rule eliminates due process hearings for minor offenses and allows inmates to voluntarily waive the right to due process hearings for major offenses, consistent with due process requirements established by the courts. Finally, the rule requires consideration of an inmate's serious mental illness during due process hearings and the disposition stage.

In FY10, the Division of Adult Institutions incurred \$27,663,400 in overtime costs. While the Department can not identify the exact amount of Salary & Fringe cost avoided through passage of this rule, in each case, the proposed rule may result in more effective allocation of DOC staff time.

In calendar year 2010, 34 lawsuits occurred arising from disciplinary actions. Each lawsuit filed requires the use of DOC staff time to collect information as part of a court record. It is anticipated that the proposed revised rule clarifying definitions related to disciplinary actions may result in fewer lawsuits, lawsuits resolving more quickly, or due process hearing outcomes which are more defensible in a court of law.

Long-Range Fiscal Implications

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