LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 415** HLS 11RS 234
Bill Text Version: **ENROLLED**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: June 17, 2011 11:52 AM
Author: LOPINTO
Dept./Agy.: Corrections
Subject: Probation and Parole
Analyst: Matthew LaBruyere

CRIMINAL/PROCEDURE EN DECREASE GF EX See Note

Authorizes probation and parole officers to impose administrative sanctions for technical violations

Present law provides that an offender whose parole or probation is revoked for a 1st technical violation shall be required to serve not more than 90 days in custody or not more than 6 months if the offender is in the drug division probation program. Proposed legislation retains present law and authorizes a parole or probation officer to impose administrative sanctions for a technical violation of parole or probation conditions, if the Board of Parole or court determines that the offender is eligible for the imposition of administrative sanctions, and when all of the following occur: the offender, after receiving written notification of the right to a hearing before a court and right to counsel, provides a written waiver of a violation hearing; the offender admits to the violation or affirmatively chooses not to contest the violation alleged in the violation report; and the offender consents to the imposition of administrative sanctions. Proposed legislation provides that if the administrative sanction imposed is jail confinement, the confinement shall not exceed 10 days per violation and shall not exceed a total of 60 days per year.

EXPENDITURES	**2011-12**	**2012-13**	**2013-14**	**2014-15**	**2015-16**	**5 -YEAR TOTAL**
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Agy. Self-Gen.	$0	$0	$0	$0	$0	**$0**
Ded./Other	$0	$0	$0	$0	$0	**$0**
Federal Funds	$0	$0	$0	$0	$0	**$0**
Local Funds	$0	$0	$0	$0	$0	**$0**
Annual Total	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**

REVENUES	**2011-12**	**2012-13**	**2013-14**	**2014-15**	**2015-16**	**5 -YEAR TOTAL**
State Gen. Fd.	$0	$0	$0	$0	$0	**$0**
Agy. Self-Gen.	$0	$0	$0	$0	$0	**$0**
Ded./Other	$0	$0	$0	$0	$0	**$0**
Federal Funds	$0	$0	$0	$0	$0	**$0**
Local Funds	$0	$0	$0	$0	$0	**$0**
Annual Total	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**

EXPENDITURE EXPLANATION

The proposed legislation may result in a decrease in state general fund expenditures. Offenders who violate the terms of probation or parole would now be confined to jail for 10 days per violation (not to exceed 60 days per year) as opposed to not more than 90 days in jail for the first violation or not more than 6 months if the offender is in the drug division probation program. The exact fiscal impact is indeterminable since it is unknown how many parolees or probationers will violate the conditions of probation or parole. However, each probationer and parolee that does violate the terms of their supervision, but spends less time confined to jail will decrease department expenditures by $21.86 ($24.39 per day in a local facility - $2.53 per day under supervision) per day by not being confined to a local facility.

To the extent an offender violates the terms of supervision 6 times in a year, he can serve only 60 days per year as opposed to the previous term of 90 days for the first violation. For illustrative purposes, if an offender serves 60 days in 1 year, the savings to the Department of Corrections will be $656 (90 days jail confinement - 60 days jail confinement x $21.86 per day).

According to the Department of Corrections, in 2010 there were 3,451 probationers and 807 parolees whose supervision was revoked for technical violations. Of the 4,258 total violators, 2,280 offenders were first time violators and could have served up to 90 days. To the extent the 2,280 first time violations served 90 days, the cost would be $4,485,672 (2,280 offenders x $21.86 per day x 90 days). For illustrative purposes, if the 2,280 offenders served 10 days for the first violation the cost would be $498,408 (2,280 offenders x $21.86 per day x 10 days). The potential savings to the state for offenders serving 10 days instead of 90 days is $3,987,264 ($4,485,672 for 90 days - $498,408 for 10 days).

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules House

☐ 13.5.1 >= $100,000 Annual Fiscal Cost {S&H}
☐ 13.5.2 >= $500,000 Annual Tax or Fee Change {S&H}
☐ 6.8(F)1 >= $500,000 Annual Fiscal Cost {S}
☐ 6.8(F)2 >= $100,000 Annual SGF Cost {H&S}
☐ 6.8(G) >= $500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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