

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0126-01
Bill No.: SB 16
Subject: Prisons and Jails; Crimes and Punishment
Type: Original
Date: January 21, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue	More than \$100,000	More than \$100,000	More than \$100,000
Total Estimated Net Effect on General Revenue Fund	More than \$100,000	More than \$100,000	More than \$100,000

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Public Defender** assume the proposal would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors.

Officials from the **Department of Corrections (DOC)** assume the proposal eliminates minimum mandatory sentences for those convicted of a felony, except dangerous felons. The proposal states that a felon must serve a sentence imposed by a judge, but the Board of Probation and Parole will have discretion to review the sentence and release the offender before the completion of the sentence. Those offenders sentenced under the minimum mandatory sentencing statutes before August 28, 2005, would have their sentence reviewed by the Board as well, and the Board would have discretion to release such an offender before the end of his or her sentence.

ASSUMPTION (continued)

The DOC cannot estimate the exact potential savings due to passage of this proposal due to the fact that the reduction in the sentences of offenders with minimum mandatory prison terms (MMPT) would be at the discretion of the Board of Probation and Parole. The Board takes into consideration the fact that offenders have prior commitments and may not provide an earlier release date. Savings due to a decrease in incarceration will be offset in additional supervision time and its resulting costs.

The DOC currently incurs a cost for offenders sentenced to its custody either in operational cost through incarceration (FY04 average of \$38.37 per inmate per day, or an annual cost of \$14,005 per inmate) or through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender per day, or an annual cost of \$1,150 per offender.) Eight (8) persons serving prison time per fiscal year exceeds the \$100,000 threshold.

In summary, less supervision by the DOC through incarceration and/or probation would result in decreased costs and although the exact fiscal impact is unknown, it is estimated that potential cost savings could be in excess of \$100,000 per year.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
GENERAL REVENUE FUND			
<u>Savings</u> – Department of Corrections			
Decreased incarceration/probation costs	More than <u>\$100,000</u>	More than <u>\$100,000</u>	More than <u>\$100,000</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>More than \$100,000</u>	<u>More than \$100,000</u>	<u>More than \$100,000</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

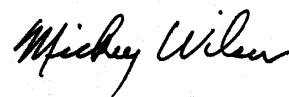
The proposed legislation would eliminate the mandatory minimum sentences for those convicted of a felony, except dangerous felons. The proposal would provide that a felon must serve a sentence imposed by a judge, but the Board of Probation and Parole would have discretion to review the sentence and release the offender before the completion of the sentence.

Those offenders sentenced under the mandatory minimum sentencing statutes before August 28, 2005, would have his or her sentence reviewed by the Board. The Board would have discretion to release such an offender before the end of his or her sentence.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Office of Prosecution Services
Office of the State Public Defender



Mickey Wilson, CPA
Director
January 21, 2005