

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4492-01  
Bill No.: SB 681  
Subject: Courts; Crimes and Punishment; Probation and Parole  
Type: Original  
Date: January 29, 2016

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Bill Summary: This proposal requires a probation officer to notify the prosecutor if he or she has probable cause to believe a probationer has violated a condition of probation.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Could exceed \$100,000)</b>	<b>(Could exceed \$100,000)</b>	<b>(Could exceed \$100,000)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Corrections (DOC)** assume this legislation requires the probation officer to notify the prosecutor if he or she has probable cause to believe a probationer has violated a condition of parole.

DOC states it is difficult to estimate the actual number of additional probation revocations that may occur as a result of this legislation. However, in FY `15 there were 8,124 probationers revoked to serve a term or 120-day sentence. If there were an increase of one percent (estimated) in the number of offenders being revoked due to this legislation, the Department of Corrections estimates that there will be at least 81 additional offenders sentenced to incarceration in year 1 and up to 101 offenders sentenced to incarceration in year 2 and beyond. The average length of incarceration is 15 months. Full implementation of this legislation will occur in year 2.

DOC assumes there would be some additional staff costs related to implementing the notification process and for providing additional violation reports if required for revocation. There could also be increased costs based upon the type of sentence as the DOC could be responsible for reimbursing the counties for the cost of jail days incurred by offenders being processed based upon the issuance of a warrant. Also, with the increase in the number of DOC offenders in county jails, there could be a cost to the DOC to reimburse counties for the jail stay if the offenders were revoked and then incarcerated by the DOC. However, the DOC is unable to calculate the amount of these costs.

Officials from the DOC also assume this could have a substantial impact on the courts and police authorities if a large number of offenders are in jail due to warrants issued due to this legislation.

The FY `15 average cost of supervision is \$6.04 per offender per day or an annual cost of \$2,205 per offender. The DOC cost of incarceration is \$16.809 per day or an annual cost of \$6,135 per offender.

ASSUMPTION (continued)

	# to Prison	Cost per year	Total Cost Prison	# to probation and/or Parole	Cost per year	Total Cost of Probation & Parole	<b>Grand Total Prison and Probation</b>
Year 1 (10 months)	81	(\$6,135)	(\$496,935)	0	(\$2,205)	\$0	<b>(\$414,113)</b>
Year 2 (2% inflation)	101	(\$6,135)	(\$619,635)	0	(\$2,205)	\$0	<b>(\$632,028)</b>
Year 3 (2% inflation)	101	(\$6,135)	(\$619,635)	0	(\$2,205)	\$0	<b>(\$644,668)</b>

In summary, DOC assumes a cost of (\$414,113 to Unknown) in FY 2017, (\$632,028 to Unknown) in FY 2018, and (\$644,668 to Unknown) in FY 2019.

**Oversight** assumes the cost of the legislation will depend upon action taken by prosecuting attorneys and circuit attorneys. The proposal requires probation offices to notify prosecuting or circuit attorneys if they have probable cause to believe that a person has violated a condition of probation; however, many factors would need to be taken into account for the DOC to incur additional costs. Oversight assumes some unknown additional number of offenders would sent back to prison as a result of this proposal. Therefore, for fiscal note purposes, Oversight will reflect a cost of ‘Could exceed \$100,000’ for the Department of Corrections.

Officials from the **Office of Prosecution Services**, the **Office of the State Public Defender** and the **Office of the State Courts Administrator** each assume the proposal will have no fiscal impact on their respective organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
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**GENERAL REVENUE**

<u>Cost- DOC</u>	(Could exceed	(Could exceed	(Could exceed
Cost of incarceration	<u>\$100,000)</u>	<u>\$100,000)</u>	<u>\$100,000)</u>

<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b>(Could exceed <u>\$100,000)</u></b>	<b>(Could exceed <u>\$100,000)</u></b>	<b>(Could exceed <u>\$100,000)</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<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.

FISCAL DESCRIPTION

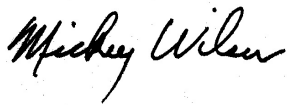
This proposal requires a probation officer who has probable cause to believe a probationer has violated a condition of probation to notify the prosecuting or circuit attorney.

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

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SOURCES OF INFORMATION

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



Mickey Wilson, CPA  
Director  
January 29, 2016

Ross Strobe  
Assistant Director  
January 29, 2016