BILL SUMMARY

1st Session of the 56th Legislature

Bill No.: SB 689
Version: CS
Request Number: 7594
Author: Rep. O'Donnell
Date: 4/19/2017
Impact: DOC: significant impact

FY-18-FY-22

Research Analysis

The committee substituted to SB 689 makes numerous changes regarding the sentencing of offenders. The measure allows offenders sentenced to life without parole for a non-violent offense to be eligible for a sentence modification after serving at least 10 years. The measure requires notice to victims of any hearing to modify the sentence. The bill provides that any departure from the mandatory minimum sentence not reduce the sentence to less than 25% of the mandatory term. The measure removes the LSI as the only risk and needs assessment tool. The bill provides that the results of the risk and needs assessment only be used to determine the appropriate sentence that does not include incarceration. The measure provides that a community sentence not require active services for more than 2 years, but may continue beyond 2 years for court ordered restitution payments. The measure requires persons sentenced for assault and battery to receive an assessment for batterers. The measure provides that persons sentenced for domestic abuse may be required to participate in an intervention program for batterers certified by the Office of the Attorney General. The measure increases the sentencing options available to the court for persons sentenced on subsequent convictions. The bill requires the court to ensure that supervision providers use sanctions and incentives to respond to probationer behavior. The measure allows any person ordered to pay a fine, court cost, fee or assessment to request a hearing to establish a payment plan. The plan is to be determined by assessing discretionary income. The bill requires the Department of Corrections to develop a matrix of sanctions and incentives to respond to offender behavior. A probation officer may recommend revocation based upon the severity of the violation or if the graduated use of sanctions has not stopped the noncompliant behavior. The measure limits deferred prosecution agreements to 4 years and community supervision to 18 months. The measure prohibits the acceleration of a deferred sentence unless a petition has been filed setting forth the ground for acceleration and a hearing takes place.

Prepared By: Brad Wolgamott

Fiscal Analysis

The CS on SB 689 which makes several changes to offender sentencing will have a significant impact on DOC in FY-18 for one-time costs and is anticipated to have reoccurring costs for the next 5 years.

The fiscal impact on DOC from SB 689 is grouped in the DOC's estimated costs for all Justice Reform Task Force bills being heard this session. Many of these reforms include training for staff as well as an increase of inmates participating in certain programs. It is difficult to parse out the specific impact from SB 689 so the information provided below is the best estimate for the bill. The main costs associated specifically with SB 689 are: 1) probation and parole training

(\$318,624 over 5 years) and 2) records office for earned compliance credits (\$828,538.44 over 5 years). Below are two charts prepared by DOC with costs for all the criminal justice reform bills this session, including SB 689.

Fiscal Year 2018 Only					
Item	Estimated Cost				
Increasing the Proportion of Inmates in Education, Cognitive Behavioral, Re-entry, Substance Abuse Treatment and Career Technology	\$7,128,243.28				
Staff Training on the Effective Case Management and Cognitive Behavioral Programming	\$159,396.00				
Training on Delivery and Interpretation of the Level of Service Inventory – Revised	\$133,948.00				
Probation and Parole Training in Effective Practices in Community Supervision	\$318,624.00				
Train the Trainer Training in Effective Practices in Community Supervision	\$131,380.00				
Records Officers for Earned Compliance Credits for Offenders Under Supervision	\$33,938.52				
Increased Probation and Parole Staffing to Accommodate Growth	\$295,466.17				
New Offender Management System	\$7,000,000.00				
SB 793 – Data Collection	\$649,262.40				
Total Estimated FY 18 Costs	\$15,850,258.37				

4/12/2017	Increasing the Proportion of Inmates in Programs													
Fiscal Year	Education	Cognitive Behavioral	Re-Entry	Substance Abuse Treatment	Career	Staff Training on Effective Case Management and Cognitive Behavioral Programming		Effective Practices in	Trainer Training in Effective Practices in Community	Records Officers for Earned Compliance Credits For Offenders Under Supervision	Increased Probation and Parole Staffing to Accommodate Growth	New Offender Management System	SB793 Data Collection	Total
2018	\$1,406,668.44	\$87,261.12	\$5,079,853.95	\$529,702.07	\$24,757.70	\$159,396.00	\$133,948.00	\$318,624.00	\$131,380.00	\$33,938.52	\$295,466.17	\$7,000,000.00	\$649,262.40	\$15,850,258.37
2019	\$3,601,075.37	\$198,716.97	\$5,414,657.70	\$1,356,024.42	\$66,973.15					\$230,044.70	\$1,575,031.64	\$5,000,000.00	\$561,062.40	\$18,003,586.35
2020	The state of the s	The second secon	\$5,766,201.64	\$2,397,190.59	\$82,701.82					\$564,555.22	\$3,989,878.81	\$5,000,000.00	\$561,062.40	\$25,078,472.78
2021	The state of the s	The state of the s		\$3,709,059.97	\$99,216.91						\$7,158,930.74	\$3,000,000.00	\$561,062.40	\$31,071,982.85
2022	\$14,239,507.51	\$841,987.40	\$6,522,899.96	\$5,362,015.37	\$116,557.76			10-200-0		.0-1	\$10,735,694.67	\$2,000,000.00	\$561,062.40	\$40,379,725.07
Total	\$35,463,147.98		\$28,918,936.02	\$13,353,992.42	\$390,207.34	\$159,396.00	\$133,948.00	\$318,624.00	\$131,380.00	\$828,538.44	\$23,755,002.03	\$22,000,000.00	\$2,893,512.00	\$130,384,025.42

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Other Considerations

None.

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