

The bill creates a presumption in favor of granting parole for an inmate with a detainer on file from the United States Immigration and Customs Enforcement Agency (ICE) who:

- has reached his or her parole eligibility date;
- is not serving a sentence for a violent crime; and
- has been assessed as medium risk or below.

The parole board may release inmates with ICE detainers only into the custody of ICE or a similar agency. If ICE issues an order of deportation, the DOC is required to submit a request to the parole board to discharge parole.

The bill specifies minimum professional qualifications and training requirements for the members of the State Board of Parole, administrative hearing officers, and release hearing officers. The chair of the parole board is required to develop and distribute a written operational manual for board members, administrative hearing officers, and release hearing officers by December 31, 2012.

The parole board is required to consider an inmate for special needs parole upon referral by the DOC and may deny special needs parole only by a majority vote of the board. The board may conduct a parole release review without the presence of the inmate if the application for release is for special needs parole and victim notification is not required. The presence of the inmate is also not required if the inmate has an ICE detainer on file and victim notification is not required. The inmate's case manager must be informed if the board chooses to review the inmate's application for release without the presence of the inmate and the case manager may request that the board reconsider. The DOC is not responsible for the cost of an inmate's medical care after he or she is released on parole.

State Expenditures

The bill will increase costs in the DOC by \$43,800 in FY 2011-12 and \$59,800 in FY 2012-13. New training requirements are imposed on the members of the parole board, administrative hearing officers, and release hearing officers. Twenty hours of training for each of the seven parole board members at an hourly rate of \$100 is \$14,000. Twelve hours of training for each of the three administrative hearing officers and the two release hearing officers currently utilized by the parole board, at an hourly rate of \$100, is \$6,000.

While the members of the parole board are in training, administrative hearing officers and release hearing officers will be contracted to conduct a total of 980 hearings for a cost of \$23,800. The chair of the parole board is responsible for developing and disseminating an operational manual by December 31, 2012. During this activity, which is expected to take place in FY 2012-13, a release hearing officer will be contracted to conduct hearings. It is expected that the manual will take approximately 200 hours to complete, during which the release hearing officer can complete a total of 800 hearings at a rate of \$20 per hearing, for a total cost of \$16,000. This is a one time cost for FY 2012-13 only.

The bill is likely to result in additional inmates being released early as special needs offenders or with ICE detainees. The potential pool of inmates who could be considered for early release as a result of the bill is approximately 959 offenders. The decision to release any offender is at the discretion of the parole board and, as such, the number of releases cannot be determined at this time.

If 10 percent of the total pool, 96 offenders, were released an average of 246 days early (an average determined by looking at FY 2009-10 parole releases) at a private prison daily rate of \$52.69, the total operational cost savings would be \$1.2 million. This estimate does not take into account the savings that could be realized through the avoidance of costs for catastrophic medical conditions because it is unknown how many offenders are receiving such care who might be eligible for early release under the bill. It also does not estimate the amount of medical care costs that would be transferred to the Department of Health Care Policy and Financing for those special needs offenders who qualify for Medicaid upon release. Finally, the bill does not take into account the potential need for new parole officers and parole programming to address the needs of new parolees. Any savings or additional costs that result from the enactment of the bill will be handled during the annual budget process.

State Appropriations

For FY 2011-12, the DOC requires a General Fund appropriation of \$43,800. It is the intent of the General Assembly that the required appropriation is to be derived from savings generated by the implementation of House Bill 11-1064.

Departments Contacted

Corrections

Health Care Policy and Financing