

**STATE
FISCAL IMPACT**

Note: This fiscal note is written pursuant to Joint Rule 22 (b)(c) and reflects strike below Amendment L.001.

Drafting Number: LLS 11-0107

Date: March 28, 2011

Prime Sponsor(s): Rep. Levy; Nikkel
Sen. Newell

Bill Status: House Judiciary

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TITLE: CONCERNING THE OPPORTUNITY FOR COMMUNITY SUPERVISION FOR A JUVENILE WHO IS CONVICTED AS AN ADULT AFTER THE JUVENILE HAS SERVED A SPECIFIED PERIOD OF TIME.

Fiscal Impact Summary	FY 2011-2012	FY 2012-2013
State Revenue		
State Expenditures		
General Fund	\$47,360	\$80,289
FTE Position Change		
Effective Date: August 10, 2011, if the General Assembly adjourns on May 11, 2011, as scheduled, and no referendum petition is filed.		
Appropriation Summary for FY 2011-2012: For FY 2011-12, the DOC requires a General Fund appropriation of \$47,360, all of which will be reappropriated to the Governor's Office of Information Technology.		
Local Government Impact: None.		

Summary of Legislation

This bill, *with the adoption of amendment L.001*, requires the Department of Corrections (DOC) to consider for community placement any offender who:

- was charged as an adult, but who was a juvenile at the time the offense was committed (a process known as direct filing);
- is currently serving a sentence in the DOC;
- was convicted of a felony offense; and
- remains in the custody of the DOC on the felony conviction for at least 20 years.

The executive director of the DOC is required to consider offenders who meet the conditions listed above at least once in the 10 years before the offender's parole eligibility date. If an offender is considered for community placement, he or she is required to file a petition that must be reviewed by the executive director or his or her designee within 90 days using specified criteria. If it is determined that an offender meets the criteria for community placement, a clinical assessment will be completed to identify the psychological functioning, needs, and skills of the offender and the offender's ability to function in a community placement.

The DOC is required to place offenders who meet the criteria for community placement in a minimum security facility for at least six months, but no more than 24 months. Such placement is designed to allow the executive director or his or her designee to assess the offender in a less secure setting and to allow the offender to demonstrate that he or she is ready for community placement. After all reviews and assessments, the DOC is required to refer the offenders for community placement unless it is determined that such placement will present a current public safety risk. The bill provides notice requirements and an appeals process for offenders who are denied community placement.

Prior to a referral for community placement, the DOC is required to develop continuity-of-care and long-term supervision plans for the offender based on the clinical assessment. The continuity-of-care plan must include long-term placement in a residential program and a long-term supervision plan for the offender in the community.

All referrals must be made to a community corrections program with a long-term residential and housing component or a long-term nonresidential, intensive supervision component. The program must be specialized for direct file offenders and incorporate methods that assist successful reintegration into the community for those offenders who have never lived independently or functioned in the community as adults. Placement of offenders, who will remain on inmate status unless or until they are granted parole, in the specialized community corrections program is subject to review by local community corrections boards. The DOC is required to plan and implement the specialized community corrections program to begin accepting placement by January 1, 2013.

Finally, current law requires that all offenders who were charged by direct file and who were sentenced to a term of imprisonment greater than 40 years to be eligible for parole after 40 years, unless otherwise eligible in less than 40 years. This provision currently applies to offenses committed on or after July 1, 2006. The bill extends this eligibility to all covered offenders, regardless of when the offense was committed.

State Expenditures

Department of Corrections. The bill increases expenditures in the department by **\$47,360 in FY 2011-12 and \$80,289 in FY 2012-13.** There are currently 25 offenders in the custody of the DOC who were under the age of 18 at the time their offense was committed and who have been incarcerated for 20 years or longer. Five of those offenders will be eligible for community placement by January 1, 2013, which is when the bill directs the department to begin placing offenders in the specialized community corrections program. One additional offender will become eligible in FY 2015-16.

Several of the DOC's computer systems will be impacted by the bill and require modification. The DOC systems do not currently flag whether an offender was a juvenile sentenced as an adult. Such a flag will need to be created for the purposes of time computation, case management, and other miscellaneous functions. The fiscal note assumes the necessary programming changes will be accomplished in 640 hours at an hourly rate of \$74, for a total, one-time cost of \$47,360.

The specialized community corrections program envisioned in the bill is similar to an existing program for individuals in the DOC's Youthful Offender System. The daily cost for this program is \$126.50 per offender and includes housing, food, treatment, and other programming. An additional daily cost of \$14.42 per offender will be incurred for intensive supervision services, for a total daily cost of \$140.92 per offender. The daily cost to house an offender in the general DOC population is \$52.69. In the first year of the program's implementation (FY 2012-13), five offenders are expected to move from the general DOC population to the specialized community corrections program for 182 days (January 1 through June 30), at a net cost of \$80,289. Table 1 details the five-year costs to the DOC.

Fiscal Year	IT Programming Costs	Number of Offenders	Number of Days	Current Operating Costs	Specialized Community Placement Program Costs	Net Cost
FY 2011-12	\$47,360	0	0	\$0	\$0	\$47,360
FY 2012-13	\$0	5	182	(\$47,948)	\$128,237	\$80,289
FY 2013-14	\$0	5	365	(\$96,159)	\$257,179	\$161,020
FY 2014-15	\$0	5	365	(\$96,159)	\$257,179	\$161,020
FY 2015-16	\$0	6	365	(\$115,391)	\$308,615	\$193,224
Total	\$47,360			(\$355,657)	\$951,210	\$642,913

State Appropriations

For FY 2011-12, the DOC requires a General Fund appropriation of \$47,360, all of which will be reappropriated to the Governor's Office of Information Technology.

Departments Contacted

Corrections

Public Safety