

**COMMONWEALTH OF KENTUCKY FISCAL NOTE STATEMENT
LEGISLATIVE RESEARCH COMMISSION
2020 REGULAR SESSION**

MEASURE

2020 BR NUMBER 809

HOUSE BILL NUMBER 284

TITLE AN ACT relating to probation program credits.

SPONSOR Representative Derek Lewis

FISCAL SUMMARY

STATE FISCAL IMPACT: YES NO UNCERTAIN

OTHER FISCAL STATEMENT(S) THAT MAY APPLY: ACTUARIAL ANALYSIS
 LOCAL MANDATE CORRECTIONS IMPACT HEALTH BENEFIT MANDATE

APPROPRIATION UNIT(S) IMPACTED: Corrections

FUND(S) IMPACTED: GENERAL ROAD FEDERAL RESTRICTED Various

FISCAL ESTIMATES	2019-2020	2020-2021	2021-2022	ANNUAL IMPACT AT FULL IMPLEMENTATION
REVENUES				
EXPENDITURES		See Fiscal Explanation	See Fiscal Explanation	(Indeterminable) One-time savings of nearly \$4 million over an unknown timeframe
NET EFFECT		Indeterminable	Indeterminable	\$0 at full implementation

() indicates a decrease/negative

PURPOSE OF MEASURE: This measure establishes various sentence credits for supervised individuals on probation, probation with an alternative sentence, and conditional discharge.

FISCAL EXPLANATION: Below is a summary of the potential impact of HB 284 by type of sentence credit.

Work Credits

HB 284 provides one day of sentence credit for every 40 hours worked. Based on 52 40-hour work weeks in a year, total days of work credits would amount to 52. According to the Department of Corrections (DOC), 17,935 supervisees reported verifiable employment in 2019, which is an increase from 17,490 in 2018. The DOC noted that this figure does not include the number of individuals on inactive supervision (a level of supervision that does not require personal or collateral contact), or those who are disabled, retired, stay-at-home mothers, students, incarcerated, or in a substance abuse program. Based on the 2019 population and 52 40-hour weeks of employment, cost savings could amount to about \$3.4 million. These savings will be realized over an unknown period of time as each individual's supervision length is different and may stretch across fiscal years. Additionally, the estimate is contingent upon various factors, including the actual population impacted by the legislation, as well as each individual's ability to obtain and maintain employment.

Program Credits

HB 284 authorizes 90 days of supervision credit for the completion of an evidence-based or life skills program. In 2019, the DOC indicated there were 1,534 individuals who completed such programs, which is a decrease from 1,548 individuals in 2018. Based on the cost to supervise, the 2019 population would have produced approximately \$509,400 in cost avoidance had the provisions of HB 284 been in effect at the time of their program completions.

Additional Costs

The DOC indicated additional staff would be needed to process and oversee the application of sentence credits. Each Additional Offender Information Specialist would cost an estimated \$62,000 annually, and each additional Social Service Clinician would be \$84,000 annually. The total number of positions is contingent upon various factors, including the number of individuals who take advantage of sentence credits.

While it is plausible to assume a large reduction in the supervised population would be met with less need for Probation and Parole (P&P) Officers, that is not the case. The current P&P Officer to offender ratio is 1:95, with the Department's goal of achieving a ratio of 1:85. Therefore, HB 284 does not decrease personnel expenditures, but instead increases the likelihood the DOC can attain its stated goal without additional resources.

Summary

Overall, it is clear HB 284 will result in cost avoidance for the state. That said, the exact timing and amounts are unclear. Furthermore, it is important to note cost savings will not be realized on an annual basis in perpetuity for two primary reasons. First, as the justice system recalibrates under the provisions of HB 284, the DOC's future appropriations will decrease in conjunction with lower funding needs, producing less and less real-dollar savings annually until there are none. Second, any funds appropriated by the General Assembly impacted by avoided costs are likely to be redirected by the DOC to fund other needs. Once funds are appropriated to an agency, the agency retains the authority to spend them without any further legislative action.

DATA SOURCE(S): Department of Corrections

PREPARER: Zach Ireland NOTE NUMBER: 111 REVIEW: JAB DATE: 2/3/2020