

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 100

PRINTER'S NO. 1329

AMOUNT

Net 1st Year Cost Savings
\$1.72 M - \$1.96M

FUND

General Fund

DATE INTRODUCED

January 12, 2011

PRIME SPONSOR

Senator Greenleaf

HISTORY OF BILL

Referred to JUDICIARY, Jan. 12, 2011
Reported as amended, June 14, 2011
First consideration, June 14, 2011
Re-referred to APPROPRIATIONS, June 27, 2011
Re-reported as committed, Sept. 20, 2011

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 100 amends Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole Code) of the Pennsylvania Consolidated Statutes. This legislation proposes the following:

- Makes changes relating to the powers and duties of the Pennsylvania Commission on Sentencing;
- Expansion of eligibility for County Intermediate Punishment (CIP), State Intermediate Punishment (SIP), State Motivational Boot Camp (BC) and Recidivism Risk Reduction Incentive (RRRI); and
- Modification of procedures for placement in prerelease centers, and the establishment of Safe Community Reentry and Court-imposed sanctions for offenders violating probation.

Risk Assessment Tool Implementation:

This legislation references the implementation of a risk assessment tool, developed by the Pennsylvania Commission on Sentencing, as part of the sentencing guidelines in order to divert low risk offenders to alternative sentencing measures.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

County Intermediate Punishment (CIP):

This legislation specifically allows eligibility for sentences to CIP (42 §9763 and 42 §9804(b)(1)) for offenders convicted of lower quantity drug felonies and sentenced under the first tier of the drug trafficking mandatories (18 PaCS §7508(a)(1)(i), (2)(i), (3)(i), (4)(i), and (7)(i)). Sentences to CIP for drug dependent offenders must include participation in clinically-prescribed treatment. As noted previously, the prosecuting attorney may waive ineligibility requirements for CIP (42 §9804).

State Intermediate Punishment (SIP):

This legislation replaces the list of ineligible offenses for SIP. It modifies ineligibility criteria from personal injury crime to a specific list of crimes similar to those used for BC. Offenders are not eligible for SIP if they are currently or within the past ten years convicted of any of the following offenses: murder (18 2502), voluntary manslaughter (18 §2503), drug delivery resulting in death (18 §2506), kidnapping (18 §2901), rape (18 §3121), IDSI, (18 §3123), sexual assault (18 §3124.1), aggravated indecent assault (18 §3125), arson (18 §3301(a)(1)(i), burglary (18 §3502 when home and person present), robbery (18 §3701(a)(1)(i)(ii)(iii)), robbery of motor vehicle (18 §3702), and drug trafficking (18 §7508(a)(1)(iii), (2)(iii), 3(iii), 4(iii)). However, the prosecuting attorney may waive eligibility requirements. Under existing statute, offenders convicted of drug felonies and sentenced under the drug trafficking mandatory are eligible for SIP. As noted above, SB 100 would remove eligibility for offenders sentenced under the third tier of the drug trafficking mandatory (100 grams or greater).

State Motivational Boot Camp (BC):

Among the statutory criteria for eligibility is a requirement that the inmate be less than 35 years of age and committed to a state correctional facility in order to be considered for consideration for boot camp participation. About 45% of offenders who would otherwise be eligible are ineligible because they are 35 years of age or older. This legislation proposes a change in the age criteria for BC eligibility, permitting inmates less than 40 years of age to be considered for participation.

Recidivism Risk Reduction Incentive (RRRI):

Under RRRI a judge must sentence an eligible offender to a shorter minimum sentence and if the offender completes programming and meets other requirements, the offender will be paroled on that minimum. Section 9721 allows an eligible defendant to receive a RRRI minimum sentence even if a mandatory sentence would otherwise be provided by law.

Sanctions for probation violators:

This legislation contains language that authorizes each county court of common pleas to establish an intensive probation program that will impose swift, predictable and immediate sanctions on violators. Violent offenders and sex offenders are not eligible for this program.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

Prerelease Program:

This legislation adds a section that provides for eligibility for a prerelease program operated by the Pennsylvania Department of Corrections (DOC). The following rules would apply to an offender who is committed to the DOC with:

- Less than 12 months to serve until he completes his minimum sentence must serve at least three months in State prison before being eligible for the prerelease program;
- At least 12 months but less than 18 months to serve until he completes his minimum sentence, he must serve at least six months in State prison;
- At least 18 months to serve until he completes his minimum sentence, the offender must serve at least nine months in State prison.

However, no inmate shall be eligible for the prerelease program if the inmate is serving a term of imprisonment for a crime of violence or a crime requiring registration under Megan's Law.

Safe Community Reentry:

This legislation establishes a comprehensive program to reduce recidivism and ensure the successful reentry and reintegration of offenders into the community. The "Safe Community Reentry Program" provides offenders with access to a full continuum of services during incarceration and upon release during their transition and reintegration into the community.

The Department of Corrections shall conduct research to determine whether the Safe Community Reentry Program reduces recidivism rates. A report evaluating the program shall be issued by February 1 of each even-numbered year. The report shall be presented to the House and Senate judiciary committees.

FISCAL IMPACT:

The Pennsylvania Board of Probation and Parole (PBPP) estimates that it will incur additional costs of \$240,000 to \$480,000 with the expansion of RRR, due to the need for hiring additional agents needed to supervise RRR offenders.

The Pennsylvania Department of Corrections (DOC) estimates a savings of \$2.2 million due to the reduction of 841 prison beds by the end of year one with the implementation of the "time eligibility" rule for prerelease programs.

Significant additional savings are expected to accrue to the DOC with the expansion of eligibility for County Intermediate Punishment (CIP), State Intermediate Punishment (SIP) and the State Motivational Boot Camp (BC) and the implementation of the intensive probation and Safe Community Reentry programs. The DOC advises, however, that it cannot accurately quantify such savings until a period of time has elapsed and it gains some experience in the expansion and implementation of these programs.