

Fiscal Note

State of Alaska
2016 Legislative Session

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|---------------------|--------------------|
| Bill Version: | HCS CSSSSB 91(FIN) |
| Fiscal Note Number: | 38 |
| (H) Publish Date: | 5/2/2016 |

Identifier: SB91HCSCSSS(FIN)-DOC-PB-04-29-16
 Title: OMNIBUS CRIM LAW & PROCEDURE;
 CORRECTIONS
 Sponsor: COGHILL
 Requester: (H) Finance

Department: Department of Corrections
 Appropriation: Population Management
 Allocation: Parole Board
 OMB Component Number: 695

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

| | FY2017 | Included in | Out-Year Cost Estimates | | | | |
|-------------------------------|-------------------------|---------------------------|-------------------------|----------------|----------------|----------------|----------------|
| | Appropriation Requested | Governor's FY2017 Request | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
| OPERATING EXPENDITURES | FY 2017 | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 |
| Personal Services | 605.9 | | 605.9 | 605.9 | 605.9 | 605.9 | 605.9 |
| Travel | 10.0 | | 10.0 | 10.0 | 10.0 | 10.0 | 10.0 |
| Services | 75.0 | | 75.0 | 75.0 | 75.0 | 75.0 | 75.0 |
| Commodities | 85.0 | | 10.0 | 10.0 | 10.0 | 10.0 | 10.0 |
| Capital Outlay | | | | | | | |
| Grants & Benefits | | | | | | | |
| Miscellaneous | | | | | | | |
| Total Operating | 775.9 | 0.0 | 700.9 | 700.9 | 700.9 | 700.9 | 700.9 |

Fund Source (Operating Only)

| | | | | | | | |
|---------------|--------------|------------|--------------|--------------|--------------|--------------|--------------|
| 1004 Gen Fund | 775.9 | | 700.9 | 700.9 | 700.9 | 700.9 | 700.9 |
| Total | 775.9 | 0.0 | 700.9 | 700.9 | 700.9 | 700.9 | 700.9 |

Positions

| | | | | | | | |
|-----------|-----|--|-----|-----|-----|-----|-----|
| Full-time | 5.0 | | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

Change in Revenues

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
 If yes, by what date are the regulations to be adopted, amended or repealed? 06/30/17

Why this fiscal note differs from previous version:

This fiscal note has been revised with an updated analysis for when a person may be eligible for discretionary parole if at least 60 years of age.

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 Agency: Department of Corrections

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FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION**Analysis**

This legislation makes several changes to sentencing, probation, parole and bail statutes.

Probation and Parole incentive reductions

This section allows probationers to receive earned compliance credit when the probationer successfully complies with all conditions of probation or parole allowing for early termination.

Board of Parole

This section establishes automatic Administrative Parole allowing offenders a limited category of automatic release without a hearing if the prisoner has met the conditions of imprisonment, is not excluded by court order, has agreed to the conditions of parole, the victim does not request a hearing, and the prisoner has met the requirements of the case plan. This section is anticipated to reduce the overall institutional population and is included in the above population projections. Revisions to the departments Victim Information Notification (VINE) System may be required.

This section will also expand and streamline the use of discretionary parole. It is anticipated this will increase the number of offenders who are eligible to apply for parole as well as streamline the decision making process. A conservative estimate is this recommendation would double the number of discretionary parole hearings conducted by the board. This recommendation does not allow for "automatic" releases onto discretionary parole as with the administrative parole.

In addition, it implements specialty parole options for the oldest cohort of inmates. This section will create a new category of parole eligible inmates: all inmates over the age of 60 and have served at least 10 years of a sentence for one or more crimes in a single judgment, and have not been convicted of an unclassified felony or sexual felony as defined in AS 12.55.185 are now eligible to apply for discretionary parole. At this time there are 68 inmates incarcerated that are over 60 years of age and have served 10 years or more of their sentence, of those 7 would meet the criteria of this section.

It is anticipated each of these increases will impact the number of hearings held annually increasing the board member Honoraria. The Honoraria is calculated based on work days and file reviews. Each additional work day is \$250.00 per board member and \$16.00 per file review. It is anticipated that this will increase the number of work days to 200 for each board member from 140 days per Board Member. This increases the personal services costs by \$110,000.00 for the Parole Board Member Honoraria (\$100,000.00 for the increased work days for the 5 board members and \$10,000.00 for the increased file reviews).

Reduces the pre-hearing length of stay and caps the overall incarceration time for revocations on technical violations of supervision. This recommendation will limit incarceration lengths for parole violations and require a shorter response time by the board for technical violations. Currently board members have 15 working days to conduct an initial hearing for remanded parolees this changes the timeframe and requires a hearing within 3 days for the first violation. This will require the Parole Board to re-configure the current violation response process in order to meet this timeframe. Currently the board members are part-time employees, in order to respond timely to remanded parolees four additional full-time hearing officer positions will be needed. The anticipated cost for these four Hearing Officer positions is: \$415.2 – Personal Services, \$ 10.0 – Travel and training, \$ 60.0 – Contractual Services (including indirect costs), \$ 68.0 – Supplies (including \$60.0 OTI startup costs), for a total need for FY2017 of \$553.2

Establishes a system of earned compliance credits. The board or a staff member designated by the board will review and calculate the parole eligibility date of a case brought to the board's attention and will notify the prisoner and department in writing of the correct calculation date. This calculation by the board or designated staff member is the official eligibility date. Currently there is no dedicated position within the Parole Board certified in time accounting. With the anticipated increases in the number of expected discretionary hearings and also calculating earned compliance credits which will consistently reduce parole expiration dates, the board will need a certified time accounting position. The anticipated cost for one Criminal Justice Technician I/II is: \$ 80.7 – Personal Services, \$ 15.0 – Contractual Services (including indirect costs), \$ 17.0 – Supplies (including \$15.0 OTI startup costs), for a total need for FY2017 of \$112.7

It is anticipated these changes will require a total of 5 new positions and \$775.9 in FY2017.