

SB

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FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
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Revision Date/Time (Note if correction): 1/5/01 Dept. Affected: Corrections
 Title: Interstate Compact for Adult Supervision BRU: Administration & Operations
 Component: All
 Sponsor: Rules Committee
 Requester: Governor Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel	13.7	5.7	5.7	5.7	5.7	5.7
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	18.0	18.0	18.0	18.0	18.0	18.0
TOTAL OPERATING	31.7	23.7	23.7	23.7	23.7	23.7

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	31.7	23.7	23.7	23.7	23.7	23.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	31.7	23.7	23.7	23.7	23.7	23.7

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

All States joining the Interstate Compact for Adult Offender Supervision will be assessed a fee depending on the size of the offender population, etc. The State of Alaska has been tentatively assessed at \$18,000/year. These fees will pay for the administrative costs of the Compact.

It is anticipated that the first year of the new Compact, there will be at least three meetings of the Interstate Commission in order to develop the by-laws and rules by which the Compact will operate. All joining States will have their Interstate Compact Commissioner or designee attend in order to provide input. This fiscal note provides for three trips to Washington D.C., where the main office of the Compact will be. The travel expense reflects 3 roundtrip airfares at \$1500 each, 5 days per diem for each trip at \$42/day and 4 nights in a hotel in Washington D.C. per trip at \$150/night. Additionally, I have included two meetings of the State Council the 1st year for 4 people. The cost includes airfare at \$500 per member as well as \$115/day per diem for 3 days each. The subsequent years reflect one meeting for each body.

Prepared by: Candace Brower Phone 465-4652
 Division: Commissioner's Office Date/Time 1/5/01 3:45 p.m.
 Approved by: Margaret M. Pugh, Commissioner Date 1/5/01
 Agency: Department of Corrections

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ANALYSIS: (continued)

We have not requested a position in this fiscal note. There is someone in an equivalent position already in place in the Department. At some time in the future, it may become necessary to request an additional position should the demands of the workload become too great.

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January 10, 2001

The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President Halford:


With this bill I transmit today, Alaska has the opportunity to increase supervision of criminal offenders who travel across state lines, thereby contributing to the growing national interest in protecting victims' rights. This bill allows Alaska to participate in the Interstate Compact for Adult Offender Supervision, joining other states in replacing the now-outdated Interstate Compact on Probation and Parole.

The current compact was enacted in 1937 and can no longer adequately deal with the more than four million offenders on probation and parole, 250,000 of which will cross state lines this year. The proposed new compact provides for an interstate commission to coordinate the transfer and supervision of probationers and parolees between states, as well as enforcement mechanisms for states who fail to abide by the rules of the compact.

A state council would also be created to exercise oversight and advocacy concerning the state's participation in the Interstate Commission as well as to make recommendations to the legislature to facilitate the operations and procedures of the compact within the state.

I urge your prompt and favorable consideration of this bill.

Sincerely,


Tony Knowles
Governor

Sponsor
Statement/Sectional

INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

TALKING POINTS

- Interstate compacts are not new or unique. There are more than 200 interstate compacts in existence today, and 17 are Corrections and Crime Control compacts. While all states, the District of Columbia, Puerto Rico and the Virgin Islands are party to the existing Parole and Probation Interstate Compact, it is actually rather rare to have that many party states.
- Interstate compacts are:
 - (a) Agreements between two or more states that bind them to the compact's provisions.
 - (b) Subject to the substantive principles of contract law.
 - (c) Protected by the constitutional prohibition against laws that impair the obligations of contracts.
 - (d) This means that:
 - Compacting states are bound to observe the terms of the agreements -- even if those terms are inconsistent with other state laws.
 - Compacts have the force and effect of statutory law.
 - Compacts take precedence over conflicting state laws.
- There are over 4 million offenders on probation and parole in the United States today. 250,000 will cross state lines this year.
- Offenders who travel from state to state are currently overseen by about 3,285 different local parole and probation offices, which operate within 860 different agencies. This fragmented system makes it nearly impossible to adequately account for all offenders.
- Managing offender populations is becoming increasingly complex. State and local governments are passing measures dealing with special offender and high-risk groups such as registration of sex offenders and notification to victims regarding offender locations. Probation and parole must be able to satisfy compliance requirements, track the location of offenders, smoothly transfer supervision authority, and when necessary return offenders to the originating jurisdictions. Interstate activity involving offenders must be governed by public policies that ensure equity and justice for all involved parties, including victims of crime.

- States are responsible and can be held liable for the movement and actions of offenders who move in and out of their state. This should be of increasing concern for states, given the ease of interstate travel we currently enjoy.
- The existing compact has been in existence, unchanged, since 1937. It is two pages long and currently costs states about \$400 per year to participate.
- The existing Compact authority and structure are seriously outdated. Symptoms include: the rule making group is not specifically created in compact language and is not legally empowered to carry out certain key activities; it is difficult to create new rules; there is limited ability to enforce rule compliance; and exchange of case information is slow and unreliable.
- The current Compact has no provisions for staff and no national system or agency to monitor the flow of offenders from state to state.
- Under the existing compact, violations are frequent. There is simply not a structure presently in place that can effectively monitor the movement of parolees and probationers across state lines.
- Primary goals of the revised Interstate Compact include:
 - (a) The establishment of an independent compact operating authority to administer ongoing compact activity, including a provision for staff support.
 - (b) Policymaking level appointment representations of all member states on a national governing commission which meets annually to elect the compact operating authority members, and to attend to general business and rule making procedures.
 - (c) Rule making authority, provision for significant sanctions to support essential compact operations.
 - (d) Mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, training/education, etc.)
 - (e) Compel collection of standardized information.
- The revised Compact is the result of nearly a year of public hearings, research and informed dialogue among legislators, attorneys general, parole and probation officials and victims' rights groups.
- The Compact can be in place, ready to work, by July 1, 2001 if passed by 35 states or upon passage by the 35th state.

- The revised Compact is a contract between states. As such, states wishing to participate in a compact must adopt identical Compact provisions.
- The Compact mandates more efficient communications between states and state agencies. It compels creation of National Database, utilizing current communications technology that will allow states to share critical offender information.
- The revised Compact facilitates state autonomy AND national cooperation:
 - (a) By establishing State Councils, a state appointed group which will oversee the interests of all three branches of government in that state, states can ensure that state officials are aware of the Compact and that the state is taking full advantage of the Compact's structure and benefits.
 - (b) By participating in the National Commission, composed of voting members from all member states and territories, states will help to develop the means to identify, track and account for the controlled movement of offenders. The Commission would also promulgate rules for states as well as resolve disputes between states.
- States determine the structure, composition and budget of the State Councils.
- State Council membership must include at least one representative from the legislative, executive and judicial branches of government, victim groups and the Compact Administrator.
- Each state determines the qualifications of the Compact Administrator who shall be appointed either by the Governor in consultation with the Legislature and the Judiciary; or by the State Council.
- State dues in support of the National Commission are based on a formula to be developed by the state within the National Commission. Key components will include a state's population and a state's volume of interstate movement of offenders. Smaller states with a lower volume of offender movement could expect to pay less and a larger state with a higher volume of offender movement could expect to pay proportionately more.
- Rules and bylaws for the National Commission are developed and passed by the Commission and have the effect of law upon states. However, should a majority of states reject a rule, it will have no further force and effect in any Compacting State. Existing rules and bylaws under the current compact will remain in effect during the first year until the Commission promulgates rules and bylaws which supercede the previous rules.
- The National Commission will have an Executive Committee, composed of Compact Administrators from member states.