

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** House Bill 196 (First Edition)

**SHORT TITLE:** Post Release Supervision/F and G Felons

**SPONSOR(S):** Bowie

<b>FISCAL IMPACT</b>					
	Yes (X)	No ( )	No Estimate Available ( )		
	<u>FY 1997-98</u>	<u>FY 1998-99</u>	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>
<b>REVENUES</b>	0	0	0	0	0
<b>EXPENDITURES</b>					
<b>(a) under regular supervision</b>	\$ 48,870	\$296,071	\$ 763,027	\$1,090,066	\$1,365,304
<b>(b) under high risk supervision</b>	\$ 50,160	\$573,170	\$1,213,874	\$1,709,146	\$2,139,627
<b>POSITIONS:</b>					
<b>(a)</b>	1	6	15	22	27
<b>(b)</b>	1	11	24	34	42
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Department of Correction, Division of Adult Probation and Parole and Division of Prisons					
<b>EFFECTIVE DATE:</b>	Applies to offenses committed on or after Dec. 1, 1997				

**BILL SUMMARY: H 196. POST-RELEASE/F AND G FELONS. TO IMPLEMENT THE RECOMMENDATIONS OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO ADD POST-RELEASE SUPERVISION FOR CLASS F AND CLASS G FELONS AND TO MAKE OTHER SUBSTANTIVE CHANGES AFFECTING POST-RELEASE SUPERVISION.** Amends GS 15A-1368(a) to add class F and class G felons to those eligible for release under supervision (now, only felons in class B1 through E are eligible) nine months before completing service of their maximum term of imprisonment. Amends GS 15A-1340.17(d) to add nine months to each of the prescribed maximum terms affecting class F and G felons.

Repeals GS 15A-1368.2(d) and amends GS 15A-1368.4(a) so that supervised releasee may not earn credit toward the period of supervision for compliance with conditions of release.

**BILL SUMMARY CONTINUED**

Adds GS 15A-1368.2(e1) allowing Post-Release Supervision and Parole Commission to delegate to the Division of Adult Probation and Parole authority to require a supervised releasee to submit to electronic monitoring to submit to substance abuse monitoring or treatment, or to participate in an educational or vocational skills development program if it is determined that releasee has failed to comply with a condition of supervised release. The releasee must be given notice of the right to seek review of the Division's conditions by the Commission.

Amends GS 15A-1368.3(c) to provide that if supervised release is revoked, earned time that the offender has already accumulated from his or her stay in prison before supervised release cannot be rescinded in calculating the time remaining to be served in prison. While re-imprisoned, the offender may receive earned time credit at up to four days per month of incarceration against the remaining portion of the maximum term (now, such credit is allowed but no rate is specified).

Amends GS 15A-1368.3(d) to forbid another release under supervision of an offender whose previous supervised release was revoked (under present law, re-release is allowed).<sup>1</sup>

**ASSUMPTIONS AND METHODOLOGY:**

Cost of Additional Post Release Supervision

The major impact of this bill is to extend nine months of post release supervision to Class F and G Felons. The North Carolina Sentencing and Policy Advisory Commission projects that the additional number of offenders *on* post release supervision resulting from this bill are as follows.

Year	1997-98	1998-99	1999-00	2000-01	2001-02
Number	93	544	1190	1674	2064

The major fiscal impact of post release supervision is on the Division of Adult Probation and Parole as these additional offenders will be assigned to Probation Parole Officers. The costs depends on the ratio of officers to offenders. The Division is of the opinion that these offenders would be subject to regular/high risk supervision. Probation Parole Officers are funded at a ratio of 1 officer per 90 offenders with a supervisor and a clerical support person funded for every 8 officers. The positions costs for regular PPO's are \$48,870 first year, \$43,098 second year; for supervisors \$58,560 and \$48,417; and for clerks \$52,248 and \$33,716. Based on these costs, the fiscal impact of this bill would rise to \$1,365,304 by fiscal year 2001-02.

The costs are also calculated assuming lowering PPO caseloads to 1 officer per 60 offender. This lower caseload level is consistent with the target caseload averages specified in the Structured Sentencing Act for "intermediate punishment" or high risk level of supervision. The Division currently has a pilot program designating separate intermediate punishment officers at a higher pay grade and costs of \$50,160 first year, \$44,388 2<sup>nd</sup> year. With intermediate punishment officers, the costs of HB 196 rise to \$2,139,627 by 2001-02.

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<sup>1</sup> *Daily Bulletin*, Institute of Government, UNC-Chapel Hill, Vol. 1997, No. 11

Based on Sentencing Commission Projections, additional personnel needed would be:

Year	1997-98	1998-99	1999-00	2000-01	2001-02
PPO	1	9	20	28	34
Clerk	0	1	2	3	4
Chief PPO	0	1	2	3	4
Cost	\$48,870	\$287,448	\$719,226	\$997,565	\$1,213,055
#positions	1	8	15	22	27
Revised Cost	\$50,160	\$556,476	\$1,144,193	\$1,564,114	\$1,901,031
revised # pos	1	11	24	34	42

For a final accounting of the fiscal impact, a 3% annual inflation rate is assumed for years 1998-99 through 2001-02.

Cost of Other Changes to Post Release Supervision

HB 196 also *allows* the Parole and Post-Release Supervision Commission to delegate responsibility for adding certain conditions to supervision to the Division of Adult Probation and Parole. This mirrors language in the statute governing probation where the judge may delegate authority to the Division, but only does so about 3% of the time. The Parole Commission does not anticipate using this option very often. If they delegated authority 3% of the time, that would affect 62 offenders by 2002. If the Division chose to add the condition of electronic monitoring when a supervisee violated other conditions, it would cost \$1,511 per case. The Sentencing Commission estimates that 15% of supervised offenders face technical revocations of their supervision. If 15% of these 62 offenders had technical violations and were then subjected to electronic monitoring, it would cost an additional \$14,052. Because this additional cost is so speculative, it is not included in the totals on page 1.

The cost of written notice of right to appeal to offenders whose conditions are changed as specified above should be absorbed within existing budgets for postage and printing. For instance, if 3% of the 2,877 offenders on post release supervision in the year 2001-02 were mailed a first class notice, the postage costs would be \$18.60.

Cost of Additional Incarceration

The Sentencing Commission projects this bill would have some impact on the number of incarcerated offenders. The following chart shows, for the end of each fiscal year, beds projected to be available, the number of inmates projected under the present Structured Sentencing Act, the deficit or surplus beds, and the number of additional inmates projected to be incarcerated under this bill. No additional beds are needed as a result of this bill after considering projected prison capacity so no fiscal impact is assumed for the Division of Prisons.

	<b><u>June 30</u></b> <b><u>1998</u></b>	<b><u>June 30</u></b> <b><u>1999</u></b>	<b><u>June 30</u></b> <b><u>2000</u></b>	<b><u>June 30</u></b> <b><u>2001</u></b>	<b><u>June 30</u></b> <b><u>2002</u></b>
Projected No. of Inmates Under Current Structured Sentencing Act <sup>2</sup>	31,762	30,371	30,060	30,610	31,259
Projected No. of Prison Beds (DOC Expanded Capacity) <sup>3</sup>	34,133	35,599	35,599	35,599	35,599
No. of Beds Over/Under No. of Inmates Under Current Structured Sentencing Act	+2,371	+5,228	+5,539	+4,989	+4,430
No. of Projected Additional Inmates Due to this Bill	0	10	146	211	230
No. of Additional Beds Need Each Fiscal Year Due to this Bill	0	0	0	0	0

**TECHNICAL CONSIDERATIONS:** None

<sup>2</sup> The Sentencing Commission’s revised prison population projections (dated December 1996) were estimated under three scenarios: High, Best, and Low. The differences in these scenarios reflect varying assumptions on incarceration rates under Structured Sentencing, probation and revocation rates, and the decline of the stock population. The projections outlined above are included in the “Best scenario” since the Sentencing Commission and the Department of Correction believe this scenario is most likely to occur.

<sup>3</sup> Projected number of prison beds based on Department of Correction estimates of expanded bed capacity as of 2/19/97. These numbers do not include the number of beds requested in the Governor’s 1997-99 Capital Improvement budget.

**FISCAL RESEARCH DIVISION**

**733-4910**

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