

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number SB 615

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron Bell

3. Committee Passed both houses

4. Title Use of prison commissary profits

5. Summary/Purpose:

Current law authorizes the establishment of commissaries in state correctional facilities. The law authorizes the use of profits realized from commissary operations to be used for educational, recreational, or other purposes that benefit inmates. The proposed legislation would add pre-release and post-release reentry and transition services to the purposes for which commissary profits could be used.

6. Fiscal Impact: Final. See Item 8.

7. Budget amendment necessary: Yes. Item 420.

8. Fiscal implications:

Traditionally, commissary profits have been used by correctional facilities for items and activities that benefit inmates and which, for the most part, would not be supported with state funds. The Appropriation Act stipulates that commissary profits be used to support Prison Family Support Services (\$100,000 each year), an organization that arranges transportation for family members of inmates to prisons for visitation; organizations that provide faith-based services to inmates (\$100,000 each year); and the Save Our Shelters "Pen Pals" program (\$75,000 each year), a program that uses inmates to train dogs rescued from animal shelters. Among other uses of commissary profits by wardens and superintendents of correctional facilities are the purchase of legal materials and magazine subscriptions for prison libraries, the purchase of additional recreational equipment, and paying for family days, which often feature cookouts and picnics for inmates and their families. For these latter types of expenditures, no appropriation is provided or needed.

On the other hand, state funds have been appropriated for pre-release and post-release reentry and transition services for inmates, the activities the proposed legislation would allow commissary profits to be used for, and the Governor's proposed budget included additional funds for such services.

The proposed bill could have an impact on funds available to DOC for inmate welfare. For the commissary profits to be used for the new purposes listed in the bill, which are related to general assistance to inmates who have been, or will soon be, released from prison, rather than to the welfare of inmates in specific institutions who helped generate the profits, there needs to be a specific appropriation to spend the funds. Otherwise, the funds cannot be used for the purposes intended under this legislation. Neither the House nor Senate provided an appropriation for these funds for the purposes of this legislation in their respectively approved budgets. Instead, the Senate provided an additional \$50,000 each year of commissary profits to be used for bus transportation to help families visit family members in state correctional facilities, and an additional \$200,000 each year to contract with organizations that work to enhance faith-based services at state prisons. The House provided an additional \$50,000 each year for faith-based services.

To the extent that commissary profits would be used for the additional purposes listed in the proposed legislation and for which state funds have been appropriated, there would be less money available for the other traditional activities at the prisons supported by the profits.

If commissary profits continue to be diverted from the traditional uses of providing for prison welfare at individual prisons to activities that are more system-wide, wardens will more than likely need to begin using their general fund appropriations to purchase equipment and other items, such as legal materials and recreation equipment, that were formerly purchased with commissary profits.

9. Specific agency or political subdivisions affected: Department of Corrections

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 03/18/04 / mdm

Document: G:\FIS\Sb615er.Doc Michael Maul

cc: Secretary of Public Safety