

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number SB 89

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

2. Patron Marsh

3. Committee Rehabilitation and Social Services

4. Title Reading for Good Time

5. Summary/Purpose:

The proposed legislation would require the Department of Corrections to provide additional good conduct allowances to inmates based on their reading novels or other literature on an approved list. The allowances would be used to reduce the amount of time to be served on an inmate's sentence. The bill would require that an inmate's sentence be reduced by one day for each 1,000 pages read by an inmate and for which the inmate passed a comprehension test with a score of at least 70.

6. Fiscal Impact: Preliminary. See Item 8.

7. Budget amendment necessary: Yes. Item 409.

8. Fiscal implications:

To implement this legislation, the Department of Correctional Education (DCE) would need to develop an approved list of novels and other literature. Staff in the department, with assistance from reading and language arts specialists in the Department of Education, should be able to develop such a list at minimal cost. To test the inmates' comprehension of the reading material, the department would need to develop or adopt a set of standardized tests (multiple choice, short answer, etc) for each work. The tests could be administered orally or in writing to inmates. There could be some cost involved in developing these tests, either through the hiring of a consultant or purchasing tests already developed, but there is not enough information available to project such costs.

DCE will also need to administer the tests, which will require staff time. The extent to which inmates take advantage of the program will determine how much additional staff time will be needed to schedule, supervise, and score the tests. DCE may need additional full or part time staff to implement the program properly, but it is not feasible at this time to project the extent and cost, if any, of that need.

The legislation also would require that some persons convicted of misdemeanors be able to participate in the program. However, these offenders are housed in local and regional jails,

which are not the responsibility of DCE. To comply with the legislation's provisions, DCE would either have to hire additional staff to schedule, supervise, and score the tests in jails or contract with persons in each locality—retired teachers, for example—to perform these tasks. There is not enough information available to estimate the cost of this aspect of the legislation.

The potential effects on the Department of Corrections could be in two areas. First, the awarding of a new class of good conduct allowances could result in offenders serving shorter prison sentences, thereby reducing the future demand for prison beds. However, because the extent to which inmates would participate in this program is not known, it is not feasible to project any potential reduction in inmate populations resulting from the legislation.

The other issue that may affect DOC is that of the actual computation of the additional good conduct allowances. The computer system used by the department to compile the data needed to compute each inmate's time to be served—including sentence length, time served in jail, good conduct allowances, etc—is outdated. According to the department, any attempt to reprogram the system to add a new category of allowances or sentence credits may result in the whole system crashing or malfunctioning. However, DOC is actively moving to replace its offender time computation system. It has developed a request for proposals, which it plans to issue soon, and may be eligible for grants to help fund the development, or purchase, of a new system. If the department follows through on these plans, it should have a computation system that could accommodate the provisions of this legislation.

9. Specific agency or political subdivisions affected:

Department of Corrections
Department of Correctional Education

10. Technical amendment necessary:

There seems to be a contradiction in the legislation as to when its provisions would be effective. The bill's first paragraph provides that offenders would be eligible for the additional good conduct allowance beginning July 1, 2004. However, in the last paragraph, DOC and DCE would not have to have the program in place in state correctional institutions until July 1, 2005. In light of the current efforts of DOC to replace its time computation system, described above, the latter effective would be more realistic.

11. Other comments: None.

Date: 01/21/04 / rwh

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cc: Secretary of Finance
Secretary of Public Safety