

Department of Planning and Budget 2006 Fiscal Impact Statement

1. Bill Number SB611

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 Puckett

3. Committee Finance

4. Title Therapeutic incarceration for substance abusers

5. Summary/Purpose:

The proposed legislation would establish a sentencing alternative for judges to use in dealing with offenders or probation/parole violators who are substance abusers. The alternative would be available for any offender convicted of a felony and who otherwise would have been sentenced to a prison term of three years or more. If the judge determined that such an offender required treatment for substance abuse, would benefit from treatment, and would be capable of returning to society as a productive citizen, the judge could impose an appropriate sentence with the stipulation that, upon successful completion of an intensive therapeutic community treatment lasting 18 months or longer, the balance of the imposed sentence could be suspended. If the offender failed to complete the program or failed to comply with the conditions of the program, the offender would be required to serve out the balance of the imposed sentence.

Upon successful completion of the treatment program, the offender would be released from prison and placed on supervised probation. While on probation, the offender would have to make a reasonable effort to get a job, to pay restitution or perform community service, to pay any fines and court costs, and to undergo substance abuse treatment.

6. Fiscal Impact: Preliminary. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

The Therapeutic Incarceration Program that would be established by the proposed bill could be implemented by the Department of Corrections (DOC) with no, or little, additional cost. The agency currently operates therapeutic community treatment programs in several correctional facilities. Persons committed to DOC by the courts and referred to the Therapeutic Incarceration Program could be placed in any one of the existing programs. Because these offenders would have been committed to DOC for incarceration anyway, their commitment to the treatment program would not result in any additional costs or any additional inmates in prisons.

There is the potential that the proposed bill could, in the long run, result in a reduction in the number of state-responsible inmates in local jails or state correctional facilities. Under the terms of the bill, persons eligible for placement in the Therapeutic Incarceration Program would have been sentenced to sentences of at least three years. However, if they successfully completed the treatment program, they would be released much sooner, after having served at least 18 months. By enabling some inmates to leave prison sooner than they otherwise would have, the proposed program could help reduce the number of inmates being held in local jails awaiting transfer to DOC, thereby reducing the costs to the state of reimbursing localities for holding them. However, because there is no data available on the extent to which judges would be likely to utilize this program or the potential sentences hanging over offenders who would be committed to the program, it is not possible to project what effect the bill would have on the state-responsible population.

9. Specific agency or political subdivisions affected:

Department of Corrections
Circuit court judges

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 01/31/06 / rwh

Document: G:\LEGIS\Fis-06\SB611.DOC Dick Hall-Sizemore