

Department of Planning and Budget

2008 Fiscal Impact Statement

1. Bill Number **HB 1205**

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron Melvin

3. Committee House Courts of Justice

4. Title **Placement of offenders in diversion centers**

5. Summary/Purpose:

Under current law, if an offender on probation violates the terms of his probation, but does not commit an offense, a judge, in lieu of revoking the offender's probation and re-committing him to the Department of Corrections, may continue him on probation on condition that he participate in a diversion center program operated by the Department of Corrections.

The proposed legislation would authorize probation and parole officers, in addition to judges, to place probation violators in diversion centers. In order for a probation and parole officer to make such a placement, the offender would need to have scored "Incarceration" on the probation violation guidelines and to volunteer to participate in the program.

6. Fiscal Impact: Preliminary. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

The Department of Corrections (DOC) estimates that the implementation of this bill, along with the provisions of SB 611 or HB 682, identical bills that authorize direct placement of probation violators in detention centers, would result in a savings of 153 prison beds annually.

The additional offenders placed in diversion centers as a result of this legislation would result in only marginal additional costs for DOC. The diversion centers are already established and staffed, but are underutilized. Therefore, any additional costs would primarily be for food and clothing, which the department could absorb.

The prison bed savings would not result in any immediate savings in operating costs. There is projected to be a considerable backlog of state-responsible inmates housed in local jails for the foreseeable future. Any prison beds freed up as a result of this legislation would mean that DOC could move state inmates out of local jails faster.

The major fiscal impact of the legislation would be on the future need for new prisons. By increasing the diversion of offenders from prisons, the legislation could help lower the projected number of state-responsible inmates in the future and therefore diminish the need to construct additional prisons.

9. Specific agency or political subdivisions affected:

Department of Corrections

10. Technical amendment necessary: None.

11. Other comments: Identical to SB 451.

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