

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 Passed both houses

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

5. Summary/Purpose:

Offenders on probation who repeatedly violate the conditions of their probation without overtly committing new offenses are a constant problem for probation and parole officers. One sanction available is depriving such offenders of their liberty for a short period by requiring them to participate in residential diversion programs. However, under current law, the probation and parole district office cannot use this sanction itself, but must first refer the offender to the court with a request that his probation be revoked. The judge, following a finding that the probation should be revoked, may commit the offender to the Department of Corrections (DOC) for evaluation as to his suitability for participation in the diversion center program operated by the department, in lieu of incarceration in a correctional facility. Following the department's evaluation, including a mental and physical examination, the judge may place the defendant on probation, conditioned upon his participation in the diversion center program.

The proposed legislation would authorize probation and parole officers, with the approval of the court, to place probation violators, who have not been charged with a new crime, with DOC for evaluation of their suitability for participation in a diversion center program. 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. After the evaluation is complete, it would up to the judge whether to place the offender in the diversion center program.

6. Fiscal Impact: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

DOC currently has the capacity to hold more offenders in its diversion centers. By allowing a probation and parole officer to initiate the process for placing an offender into a diversion center with the approval of the judge, but without having to go through a revocation

hearing, the proposed legislation could result in more offenders being placed in diversion center programs, rather than having their probations revoked and being committed to correctional centers operated by the DOC. To the extent that this happens, DOC would be able to bring in additional state-responsible inmates from jails, thereby reducing the amount of per diem reimbursements that the state would need to pay localities for housing these inmates.

The major fiscal impact of the legislation could 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: Similar to SB 451.

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