

Department of Planning and Budget

2009 Fiscal Impact Statement

1. Bill Number SB 1196

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

2. Patron Puckett

3. Committee House Courts of Justice

4. Title **Behavioral correction program**

5. Summary/Purpose:

The proposed legislation would provide judges an optional sentencing tool for nonviolent offenders with substance abuse problems. Those eligible for the proposed behavioral correction program would be nonviolent felony offenders who would have been sentenced to a fixed term of three years or more and who the court determines require treatment for drug or alcohol abuse.

Under the provisions of the legislation, the court would still sentence such an offender to the sentence that would have been deemed appropriate for the offense for which he had been convicted prior to the program being enacted. However, the court order would provide that, upon completion of an intensive therapeutic community-style substance abuse treatment program lasting at least 24 months, the court could suspend the balance of the sentence.

6. Fiscal Impact estimate: Indeterminate. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

The Department of Corrections (DOC) currently operates intensive substance abuse treatment programs, call therapeutic community programs, in several prisons. Therefore, the agency could accommodate offenders referred to the program under the provisions of the proposed legislation without any additional cost.

Any fiscal effects of the proposed language would be realized in the future. By reducing the amount of time offenders with substance abuse problems would otherwise spend in prison, the proposed legislation could reduce the projected future growth in prison population, thereby reducing the need to build new prisons. DOC estimates that approximately 1,700 new offenders each year would be eligible for the proposed sentencing alternative. The extent to which any reduction in future prison population growth would be

realized would be dependent on the extent to which judges utilized the option proposed in the legislation.

9. Specific agency or political subdivisions affected:

Department of Corrections

10. Technical amendment necessary: None.

11. Other comments:

The amendments to the budget bill adopted by the Senate contain language authorizing the program proposed in SB 1196. However, the budget bill language would make offenders serving sentences for drug distribution ineligible for the program. DOC estimates that this additional restriction would reduce the eligible pool to about 1,000 per year.

Date: {2/16/2009} rwh

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