

Department of Planning and Budget

2008 Fiscal Impact Statement

1. Bill Number HB 763

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

2. Patron Rust

3. Committee Rules

4. Title Deportation and probation and parole officers

5. Summary/Purpose:

For offenders referred to them for supervision, probation and parole officers are now required by law to report any who cannot produce evidence of their U.S. citizenship to the Central Criminal Records Exchange of the Department of State Police. Similarly, the Department of Corrections is required to report any suspected aliens committed to its custody to the Central Criminal Records Exchange. The Department of State Police is required to report the identities of all suspected aliens to the U.S. Bureau of Immigration and Customs Enforcement.

The proposed legislation would require probation and parole officers “to assist with the initiation of federal deportation proceedings for those [offenders under their supervision who have been] determined to be illegal aliens.”

6. Fiscal Impact: Indeterminate. See Item 8.

7. Budget amendment necessary: No.

8. Fiscal implications:

It is not clear what the phrase “assist with the initiation of federal deportation hearings” entails. If the intent is that probation and parole officers provide information requested by federal immigration authorities, they already do that and the bill would have no fiscal impact. If the intent is that probation and parole officers would take the procedural and legal steps needed to begin federal deportation proceedings, the bill could have a fiscal impact upon the Department of Corrections (DOC).

It is not known how complex or time-consuming the initiation of federal deportation proceedings would be. Nevertheless, any additional responsibility would only increase the workload of probation and parole officers who already have a lot to do. The average caseload for probation and parole officers is significantly above the standard prescribed by the Board of Corrections. Furthermore, probation and parole officers are not trained in federal

deportation procedures. To become sufficiently knowledgeable in these procedures to be able to initiate deportation proceedings could take considerable time. To the extent that probation and parole officers have to spend time becoming knowledgeable regarding federal deportation proceedings and then undertaking the procedural and legal steps needed to initiate deportation proceedings for any illegal aliens under their supervision will result in that much less time they have to spend supervising the other offenders assigned to them. The result could be that other offenders, many of them violent and sex offenders, would have less supervision. The alternative, to maintain the level of supervision now being provided to all offenders, would require the hiring of additional probation and parole officers, for which DOC would need additional funding. Currently, the annual cost of a beginning probation and parole officer, including salary, fringe benefit, and overhead costs, is about \$61,000.

9. Specific agency or political subdivisions affected:

Department of Corrections

10. Technical amendment necessary: No.

11. Other comments: None.

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