

FISCAL NOTE

May 8, 2018

Bill No:	SB 1071	Printer's No:	1708	Sponsor:	Greenleaf (R)
-----------------	---------	----------------------	------	-----------------	---------------

COST / (SAVINGS)

Fund (s)	2017-18	2018-19
General Fund	See "FISCAL IMPACT"	See "FISCAL IMPACT"
Justice Reinvestment FUnd	See "FISCAL IMPACT"	See "FISCAL IMPACT"

SUMMARY: This bill would amend Title 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) to incorporate intermediate punishment program into county probation and to rename the State intermediate punishment program as the state drug treatment program.

ANALYSIS: Senate Bill 1071 would expand powers and responsibilities to the Commission on Sentencing to report the General Assembly concerning the following:

- Implementation of revisions to the sentencing guidelines
- Implementation of outcomes of justice reinvestment funding to county probation
- Use of court-imposed sanctions for violation probation
- Evaluations of the effectiveness of criminal justice interventions and programming, including restrictive conditions of probation, recidivism risk reduction incentive programs, state drug treatment program and motivational boot camp.
- Assist in the implementation of short sentence parole, use of state drug treatment program and the use of sanctions for technical parole violations in consultation with the Department of Corrections (DOC) and the Office of the Budget (GBO).

Under this act the state intermediate punishment would be renamed as the state drug treatment program. The bill would establish a presumption of eligibility for the state drug treatment program so the court may identify whether an offender is excluded from eligibility, subject to existing factors of eligibility. Upon certification by DOC that the program has been completed, the entire term of confinement that rendered the defendant eligible would be deemed to have been served. A participant expelled from the program would be required to serve the remainder of the participant's sentence in a state correctional institution (SCI) and be eligible for parole at the expiration of the participant's minimum sentence. DOC would be required to monitor the program and report to the General Assembly on the program every three years. County prisons would be required to provide notice to DOC, in addition to the current notice to the Pennsylvania Board of Probation and Parole (PBPP) concerning county inmates released to state probation and parole.

The Pennsylvania Sentencing Commission would be permitted to use its risk assessment as an aid to the assist in determining the intensity of intervention, use of restrictive conditions and duration of supervision for individuals under parole supervision. Courts would be permitted to

FISCAL NOTE

May 8, 2018

increase the conditions or impose a brief sanction for parole violations. Offenders committed subject to a minimum sentence of two years or less would be eligible for a short sentence parole. However, offenders with an aggregate sentence containing a personal injury crime or firearms crime would be deemed ineligible for short sentence parole. Short sentence parole would also be inapplicable for offenders currently serving a sentence and have been denied parole on that sentence before the effective date. PBPP would be required to approve parole at the expiration of the minimum sentence without an interview unless the offender has been found guilty of a major disciplinary infraction while in state or county prison or has a pending felony charge, warrant, or detainer.

Changes made under this act concerning the State Intermediate Punishment Program would be effective 60 days upon passage. Provisions concerning short sentence parole would be effective 120 days upon passage. The remainder of this act would be effective immediately.

FISCAL IMPACT: There would be minimal costs for the implementation of the savings. Estimated total 5-year savings is now \$48.2 million.