



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

SENATE BILL NO. 100

PRINTERS NO. 2272

PRIME SPONSOR: Greenleaf

### COST / (SAVINGS)

FUND	FY 2011/12	FY 2012/13
General Fund	\$0	(\$1,031,000)

**SUMMARY:** Senate Bill 100 amends the Crimes Code concerning burglary; the Judicial Code concerning sentencing of violent offenders and county and state alternative sentencing programs; and the Prison and Parole Code concerning safe community reentry, community corrections centers, community corrections facilities, technical parole violators, and prisoners subject to deportation. Effective dates vary by provision.

**ANALYSIS:** This legislation contains many sections modifying various codes and topics as listed above.

The modifications to the section on burglary change its construction, leaving it substantively the same.

This legislation references the implementation of a risk assessment tool, developed by the Pennsylvania Commission on Sentencing, as part of the sentencing guidelines in order to divert low risk offenders to alternative sentencing measures.

This legislation adds additional crimes to the list of crimes defined as “Crimes of Violence.”

This legislation adds a new section to the Judicial Code to provide that no person sentenced to total or partial confinement after the effective date shall be committed to the Department of Corrections (DOC) unless the sentence includes a sentence for a misdemeanor 2 or higher, or the Secretary or designee has consented.

This legislation specifically allows eligibility for sentences to County Intermediate Punishment (CIP) for offenders convicted of lower quantity drug felonies and sentenced under the first tier of the drug trafficking mandatories. Sentences to CIP for drug dependent offenders must include participation in clinically-prescribed treatment. As noted previously, the prosecuting attorney may waive ineligibility requirements for CIP.

This legislation replaces the list of ineligible offenses for State Intermediate Punishment (SIP). It modifies ineligibility criteria from personal injury crime to a specific list of crimes similar to those used for Boot Camp (BC). Offenders are not eligible for SIP if they are currently or within the past ten years convicted of any of the following offenses: murder, voluntary manslaughter, drug delivery resulting in death, kidnapping, rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, arson, burglary when home and person present, robbery, robbery of motor vehicle, and drug trafficking. However, the prosecuting attorney may waive eligibility requirements. Under existing statute, offenders convicted of drug felonies and sentenced under the drug trafficking mandatory are eligible for SIP. As noted above, SB 100 would remove eligibility for offenders sentenced under the third tier of the drug trafficking mandatory (100 grams or greater).

Among the statutory criteria for BC eligibility is a requirement that the inmate be less than 35 years of age and committed to a state correctional facility in order to be considered for consideration for boot camp participation. About 45% of offenders who would otherwise be eligible are ineligible because they are 35 years of age or older. This legislation proposes a change in the age criteria for BC eligibility, permitting inmates less than 40 years of age to be considered for participation.

Under Recidivism Risk Reduction Incentive (RRRI) a judge must sentence an eligible offender to a shorter minimum sentence and if the offender completes programming and meets other requirements, the offender will be paroled on that minimum. Section 9721 allows an eligible defendant to receive an RRRI minimum sentence even if a mandatory sentence would otherwise be provided by law.

This legislation contains language that authorizes each county court of common pleas to establish an intensive probation program that will impose swift, predictable and immediate sanctions on violators. Violent offenders and sex offenders are not eligible for this program.

This legislation establishes a comprehensive program to reduce recidivism and ensure the successful reentry and reintegration of offenders into the community. The "Safe Community Reentry Program" provides offenders with access to a full continuum of services during incarceration and upon release during their transition and reintegration into the community. The Department of Corrections shall conduct research to determine whether the Safe Community Reentry Program reduces recidivism rates. A report evaluating the program shall be issued by February 1 of each even-numbered year. The report shall be presented to the House and Senate judiciary committees.

This legislation establishes a new chapter concerning Community Corrections Centers (CCCs) and Community Corrections Facilities (CCFs). The CCCs are residential programs providing transition to the community for parolees in good standing that are operated by the Commonwealth. The CCFs provide the same programming as CCCs, but are operated by private contractors. The chair of the Board of Probation and Parole will determine whether or not parolees are housed in the secure or unsecured portion of these facilities. In addition, employees of these facilities may engage in searches and seizures of residents and use reasonable force against residents in order to maintain security.

This legislation also makes changes concerning technical parole violators, diverting them to CCCs and CCFs as long as the violation was truly technical in nature and did not involve the commission of a crime, was not sexual in nature, did not involve assaultive behavior, and did not involve possession or control of a weapon. In addition, the Board of Probation and Parole has the option of confining the parole violator to a prison facility if it determines the individual is a threat to public safety and cannot be safely held in a CCC or CCF.

This legislation also makes changes to existing law concerning parole of inmates subject to deportation, definitions, and makes repeals.

**FISCAL IMPACT:** The provisions of this legislation, when enacted as a comprehensive package, produce some additional costs for the Board of Probation and Parole and savings for the Department of Corrections. As calculated by these agencies, in conjunction with the Governor's Office of the Budget, these changes produce a net savings of \$1,031,000 for the Commonwealth in its first year of enactment. For purposes of this analysis, that first year of enactment is assumed to be fiscal year 2012-13. These savings are projected to increase significantly in future years.

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**DATE:** June 12, 2012

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*