



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

SENATE BILL NO. 500

PRINTERS NO. 1433

PRIME SPONSOR: Baker

### COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
General Fund	See Fiscal Impact	See Fiscal Impact

### SUMMARY:

SB 500, Printer's Number 1433, amends the Pennsylvania Commission on Crime and Delinquency (PCCD) Law (P.L. 1166, No. 274) by adding a new Section 6.1 (County Adult Probation and Parole Advisory Committee), new Section 6.2 (County Probation officers' firearm education and training), new Section 9.1 (Justice reinvestment grants, phase 2), new Section 10.1 (Continuing county probation and parole grants) and new Section 10.2 (County intermediate punishment funding).

### ANALYSIS:

SB 500 amends the PCCD Law by adding new Section 6.1 (County Adult Probation and Parole Advisory Committee (committee)), establishing the County Adult Probation and Parole Advisory Committee within PCCD. The committee will consist of the following members:

- The chairman of the Pennsylvania Board of Probation and Parole (ex officio and nonvoting member),
- The Chair of the Juvenile Court Judges' Commission (ex officio and nonvoting member),
- The Executive Director of the Pennsylvania Commission on Sentencing (ex officio and nonvoting member),
- The President of the County Commissioners Association of Pennsylvania,
- The Executive Director of the County Chief Adult Probation and Parole Officers Association of Pennsylvania,
- The Victim Advocate,
- The Court Administrator of Pennsylvania,
- The President of the Pennsylvania District Attorneys' Association,
- The President of the Pennsylvania Association of Criminal Defense Lawyers,
- A county chief probation and parole officer appointed by the Chief Justice of Pennsylvania,
- A county chief public defender appointed by the Chief Justice of Pennsylvania
- A county commissioner appointed by the Governor; and
- Seven judges of the courts of common pleas who serve in the criminal court area and are representative of the geographic and demographic diversity of the Commonwealth, appointed by the Chief Justice of Pennsylvania.

The powers and duties of the County Adult Probation and Parole Advisory Committee, with review and approval of PCCD, will be the following:

- Review and comment on grant applications for county intermediate punishment programs or discretionary grants,
- Develop a funding plan for county adult probation and parole departments that includes county intermediate punishment programs, discretionary grants, and a funding formula,
- Advise on all matters pertaining to the admission of the county adult probation and parole system,
- Analyze data to identify trends and to determine the effectiveness of programs and practices to ensure the reasonable and efficient administration of the county adult probation and parole system,
- Make recommendations and adopt standards for probation and parole personnel,
- Assist PCCD in the implementation of county intermediate punishment; and
- Report annually to the Governor and General Assembly on the distribution and use of funds, relating to the Justice Reinvestment Initiative- Phase 2.

Section 6.1 further provides that staff support will be made available to the committee by the executive director of PCCD in order to adequately perform the duties of the committee.

New Section 6.2 (County Probation officers' firearm education and training) is added to direct the committee to assume all the funding, powers, duties and responsibilities of the County Probation Officers' Firearm Education and Training Commission and the committee will appoint an advisory subcommittee with expertise comparable to that of the former membership of the County Probation Officers' Firearm Education and Training Commission.

New Section 9.1 (Justice Reinvestment grants, phase 2), provides that the Justice Reinvestment Fund, which will be utilized to support programs and activities to improve the delivery of criminal justice services as follows:

- Savings assessments:
  - For FY 2021-22, 2022-23, 2023-24 and 2024-25 the Office of the Budget will calculate the amount of savings to the Department of Corrections in the prior fiscal year from the implementation of the following:
    - Short sentence parole,
    - Increased use of State drug treatment programs; and
    - The use of sanctions for technical parole violations.
- Deposit:
  - The following amounts will be deposited into the Justice Reinvestment Fund:
    - FY 2021-22, an amount not to exceed 100% of the amount calculated as savings in the prior FY,
    - FY 2022-23, 2023-24 and 2024-25, an amount in each year not to exceed 50% of the amount calculated to be savings in the prior FY,
    - FY 2025-26 an amount not to exceed 90% of the calculated savings in the prior FY.

- Distribution:
  - FY 2021-22, 2022-23, 2023-24 and 2024-25, the sum of \$250,000 will be distributed to the PCCD for the purpose of crime victim's compensation and the sum of \$400,000 will be distributed to the Pennsylvania Commission on Sentencing to implement risk assessment and justice reinvestment sentencing features.
  - The remaining deposits will be distributed through county probation and parole grants (New Section 10.1).
- Restriction
  - Grants awarded under this section will be annual grants and will be used to supplement, not supplant, existing funds, including funding by county governments.
- Expiration
  - This section will expire on July 15, 2026.

New Section 10.1 (Continuing county probation and parole grants) provides that a county that provides adult probation staff shall receive grant funding from the Commonwealth through the PCCD for costs incurred by the county but only to the extent the staff and program meet certain criteria established by PCCD. The appropriation for this provision is as follows:

- FY 2021-22, 2022-23, 2023-24, 2024-25 and 2025-26 the amount of \$16,222,000 plus the savings from the prior FY, pursuant to Section 9.1 (c); will be deposited and appropriated to PCCD for the purpose of formula funding to county probation and parole departments as advised by the committee.
- Beginning in FY 2026-27 and thereafter, the Commonwealth will adjust the prior year's appropriation to reflect the annual percentage change in the Consumer Price Index for all Urban Consumers.
- If insufficient funds are appropriated, each county will receive a prorated reduction in funding.

Section 10.2 (County intermediate punishment funding) provides that the state appropriation for county intermediate punishment will continue to support programs relating to county intermediate punishment.

This legislation will take effect in 60 days.

**FISCAL IMPACT:**

Enactment of this legislation will have no adverse fiscal impact on Commonwealth funds.

It is anticipated that the grant funding in SB 500 will be provided through the expected savings from companion Justice Reinvestment Initiative legislation. The sum of \$250,000 will be distributed to PCCD for the purpose of crime victim's compensation and the sum of \$400,000 will be distributed to the Pennsylvania Commission on Sentencing to implement risk assessment and justice reinvestment sentencing features.

The legislation further provides that the amount of \$16,222,000 and the savings expected from companion Justice Reinvestment Initiatives from the prior FY will be appropriated to PCCD for the purpose of funding adult probation services. According to the Department of Corrections, the total 5-year reinvestment specifically relating to adult probation is projected to be \$20,565,000. For FY 2019-20 the current appropriation from the General Fund to the Department of Criminal Justice for the Improvement of Adult Probation Services is \$16,222,000. Therefore, there would be no adverse fiscal impact to Commonwealth funds.

**PREPARED BY:** Jenny P. Stratton  
House Appropriations Committee (R)

**DATE:** December 17, 2019

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