

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 135

PRINTER'S NO. 4060

AMOUNT

Estimated \$141.8 Million
General Fund Savings
FY 2013-2014 through FY 2017-2018

FUND

General Fund and
Justice Reinvestment Fund

DATE INTRODUCED

March 17, 2011

PRIME SPONSOR

Representative Sabatina

HISTORY OF BILL

Referred to JUDICIARY, March 17, 2011
Reported as amended, May 3, 2011
First consideration, May 3, 2011
Laid on the table, May 3, 2011
Removed from table, May 9, 2011
Second consideration, May 10, 2011
Re-committed to APPROPRIATIONS, May 10, 2011
Re-reported as committed, May 11, 2011
Third consideration and final passage, May 11, 2011 (191-0)
In the Senate
Referred to JUDICIARY, May 16, 2011
Reported as committed, May 8, 2012
First consideration, May 8, 2012
Re-referred to APPROPRIATIONS, June 4, 2012
Re-reported as amended, Sept. 24, 2012

DESCRIPTION AND PURPOSE OF BILL

House Bill 135 amends Act 274 of 1978, referred to as the Pennsylvania Commission on Crime and Delinquency Law.

Specifically, this legislation does the following:

1. Provides for additional definitions within the Act;
2. Amends the composition of the Pennsylvania Commission on Crime and Delinquency (PCCD) by adding the Executive Director of the Pennsylvania Commission on Sentencing and the Secretary of Drug and Alcohol Programs;
3. Provides for the Chief Justice to make judicial appointments to the Commission directly instead of nominating a list from which the Governor would make an appointment;

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4. Removes the provision allowing the Governor to appoint seven private citizens to the Commission;
5. Adds to the powers and duties of the Commission by authorizing the Commission to establish advisory committees, as well as other technical changes relative to criminal statistics and reporting of such statistics;
6. Amends the composition of the Juvenile Justice and Delinquency Prevention Committee (JJJPC) within PCCD by adding the Executive Director of the Juvenile Court Judges' Commission;
7. Adds a new subsection providing for the powers and duties of the JJJPC and repeals the powers and duties in current law;
8. Repeals provisions relating to the Targeted Community Revitalization and Crime Prevention Advisory Committee; and
9. Adds a new section that establishes the "Justice Reinvestment Fund" within the State Treasury and provides for grants to be distributed from such Fund. This section shall expire on July 15, 2018.

The Justice Reinvestment Fund (JRF) is to support programs and activities to improve the delivery of criminal justice services within this Commonwealth. Funds deposited into the JRF in fiscal years 2013-2014 through 2017-2018 will be derived from a savings assessment by the Office of the Budget for fiscal years 2012-2013 through 2016-2017, resulting to the Pennsylvania Department of Corrections from any of the following, created by Act 122-2012:

- reductions in prison population;
- diversion of mid-minimum and short-minimum offenders; and
- improved efficiencies in the parole system.

This act shall take effect in 60 days.

FISCAL IMPACT:

The enactment of numbers one (1) through seven (7) itemized above will have no effect on Commonwealth funds.

Item #8 -- Justice Reinvestment Fund (JRF):

Amounts determined to be savings to the Pennsylvania Department of Corrections (DOC) accrued in fiscal year 2012-2013 and 2013-2014 are appropriated from the General Fund to the JRF as follows:

- In fiscal year 2013-2014, 75% of the amount determined to be savings in fiscal year 2012-2013; and
- In fiscal year 2014-2015, an amount, not to exceed \$21 million, determined to be savings in fiscal year 2013-2014.

Distributions from the JRF for fiscal years 2013-2014 and 2014-2015 are transferred to PCCD, the Pennsylvania Commission on Sentencing, the DOC and the Pennsylvania Board of Probation and Parole (PBPP) in amounts itemized within the legislation and for specific purposes.

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Beginning in fiscal year 2013-2014, if county participation in the program intended for offender diversion for mid-minimum offenders and short-minimum offenders exceeds the amount authorized in the legislation, the General Assembly may appropriate additional money to the fund for offender diversion for mid-minimum offenders and short-minimum offenders.

Additional distributions in the amount of twenty five percent (25%) of the amounts determined to be savings to the DOC during fiscal years 2014-2015, 2015-2016 and 2016-2017 shall be deposited into the JRF and appropriated by the General Assembly in the next occurring fiscal year for activities related to sentencing, victim services, contracts for offender diversion, innovative policing, community reentry programs or probation and county parole improvement.

Accordingly, under this legislation, the following Justice Reinvestment Grant Distributions would occur:

	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Justice Reinvestment Grant Distributions	\$0	75% of Prior FY Savings	Capped at \$21 M	25% of Prior FY Savings	25% of Prior FY Savings	25% of Prior FY Savings

According to the Governor’s Office of the Budget, in consultation with the Council of State Governments (CSG) Justice Center, the DOC and PBPP would incur increased annual savings and costs respectively, creating an estimated total General Fund savings of \$141.8 million from fiscal years 2012-2013 through 2017-2018.