

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 1071

PRINTER NO. 1555

AMOUNT

See Fiscal Impact

FUND

General Fund

DATE INTRODUCED

March 12, 2018

PRIME SPONSOR

Senator Greenleaf

DESCRIPTION

Senate Bill 1071 amends Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes to make significant reforms to the sentencing of defendants and parole, implementing the Justice Reinvestment Initiative – Phase 2.

This legislation does the following:

- Renames the State Intermediate Punishment to the “State drug treatment program” and streamlines the process for paroling people who receive a short sentence to prison. It retains the current law definition of ineligible offenses, but to expand usage, amends the selection process from an elaborate sentencing option to a simpler DOC placement (similar to the provisions for the Department’s motivational boot camp). The bill allows the judge to affirmatively prevent DOC placement in the program, after considering any prosecutor objections;
- Includes multiple amendments to remove county probation from the responsibilities of the Board of Probation and Parole, and to rename it the Parole Board, in connection with another bill in the package, which creates the County Adult Probation and Parole Advisory Committee;
- Provides new authority for parole agents to detain a parolee for up to five days, and allows for use of video technology for parole process interactions. The bill will not change existing law requiring that all interactions by the Parole Board with victims take place in person;
- Provides new authority governing short-sentence parole; and
- Revises sentencing laws and the direction that the General Assembly gives to the Pennsylvania Commission on Sentencing.

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Specifically, this legislation amends the direction to the Commission on Sentencing to conduct more extensive examination of criminal history scoring as a factor in the guidelines and provide more guidance for different features of sentencing, such as terms of probation and split sentences. It amends the requirement for guidelines for county intermediate punishment to reflect a narrower meaning for county intermediate punishment and to call for a commission role in monitoring the use of state-funded restrictive conditions of probation. It requires parole guidelines to utilize risk of recidivism to prioritize among longer-sentenced inmates for parole interviews.

Additionally, the bill simplifies sentencing options by eliminating State Intermediate Punishment and County Intermediate Punishment (CIP) as separate sentencing options, updating the purposes for total confinement, and establishing a uniform list of probation conditions. That list would define permissible conditions of probation, and defines CIP as the more restrictive range of probation conditions. It would retain CIP as a method of funding local restrictive sanctions while undoing its role as a separate sentencing option. The bill would simplify probation violation sanctions to 5 days for technical violations, to mirror proposed parole law in another bill in the package.

Finally, it changes the motivational boot camp selection so that the judge can prevent placement in the program by the Department of Corrections, rather than having to affirmatively determine eligibility.

FISCAL IMPACT:

This legislation is one part of a package of bills directed at implementing the Justice Reinvestment Initiative – Phase 2.

By expanding the State Intermediate Punishment (SIP) program, which will become the newly created “State drug treatment program,” the Department of Corrections will see a savings by having more inmates eligible to participate in the program. SIP consists of four phases and lasts a total of 24 months. Phase 1 involves confinement in a State Correctional Institution (SCI) for a period of no less than seven months. During this first phase, at least four months are spent in a therapeutic community (TC) treatment program, which is an intensive inpatient alcohol and other drug treatment program. Phase 2 involves a minimum of two months in a community-based TC treatment program. Phase 3 involves a minimum of six months of outpatient addiction treatment. During this period, the participant may be housed in a community corrections center or placed in an approved transitional residence. Phase 4 consists of PA DOC supervised reintegration into the community for the balance of the 24 months of the program. Inmates may finish Phase 4 in less than 24 months, thereby creating additional savings.

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Additionally, SIP graduates save prison bed space as a result of their reduced stay in prison while in the program, as well as a result of their reduced stay in prison due to subsequent re-incarceration since SIP completers are not subject to parole supervision and thus cannot be returned to prison for a parole violation. Current estimates from the Department of Corrections indicate that on average the Commonwealth saves approximately \$33,736 per SIP participant due to their total reduced stay under the Department of Corrections custody.

The Pennsylvania Commission on Sentencing estimates an annual cost of \$500,000 to fulfill the additional duties and mandates required by the legislation.