

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 500

**PRINTER NO.** 850

**AMOUNT**

See Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

March 25, 2019

**PRIME SPONSOR**

Senator Baker

**DESCRIPTION**

Senate Bill 500 amends the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, providing for a County Adult Probation and Parole Advisory Committee, for justice reinvestment grants-Phase 2, for county intermediate punishment funding and for continuing county probation and parole grants; making an appropriation; and making a related repeal.

This legislation does the following:

- Establishes a County Adult Probation and Parole Advisory Committee consisting of the following members:
  1. The Chairperson of the Board of Probation and Parole or a designee, who shall serve as an ex officio and nonvoting member;
  2. The Chairperson of the Juvenile Court Judges' Commission or a designee, who shall serve as an ex officio and nonvoting member;
  3. The Executive Director of the Pennsylvania Commission on Sentencing, or a designee, who shall serve as an ex officio and nonvoting member;
  4. The President of the County Commissioners Association of Pennsylvania or a designee;
  5. The Executive Director of the County Chief Adult Probation and Parole Officers Association of Pennsylvania or a designee;
  6. The Victim Advocate;
  7. The Court Administrator of Pennsylvania or a designee;
  8. The President of the Pennsylvania District Attorneys' Association or a designee;
  9. The President of the Pennsylvania Association of Criminal Defense Lawyers or a designee;
  10. A county chief probation and parole officer appointed by the Chief Justice of Pennsylvania;
  11. A county commissioner or a home rule equivalent appointed by the Governor; and

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12. 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 this Commonwealth, appointed by the Chief Justice of Pennsylvania.
- Provides for certain powers and duties of the advisory committee including reviewing and awarding grant applications for county intermediate punishment programs as part of the Justice Reinvestment Initiative – Phase 2;
  - Requires the Office of the Budget to develop a savings assessment formula to calculate savings to the Department of Corrections from implementation of short sentence paroles, increased use of the state drug treatment program and use of sanctions for technical parole violations;
  - Develops a funding plan for county adult probation and parole departments that includes county intermediate punishment programs, discretionary grants and a funding formula;
  - Requires the following deposits into the Justice Reinvestment Fund (Fund) from savings to the Department of Corrections:
    1. In fiscal year 2020-21, an amount not to exceed 100% of the amount determined to be savings in the prior fiscal year;
    2. In fiscal year 2021-22, an amount not to exceed 50% of the amount determined to be savings in the prior fiscal year; and
    3. In fiscal years 2022-23 and 2023-24, an amount in each year not to exceed 50% of the amount determined to be savings in the prior fiscal year.
  - Requires the following distributions from the fund:
    1. For fiscal years 2020-21, 2021-22, 2022-23 and 2023-24, the sum of \$250,000 shall be distributed to the Pennsylvania Commission on Crime and Delinquency (PCCD) for the purpose of crime victim compensation, and the sum of \$400,000 shall be distributed to the Pennsylvania Commission on Sentencing to implement risk assessment and justice reinvestment sentencing features; and
    2. The remaining deposits shall be distributed to the PCCD for formula funding to county probation and parole departments, as advised by the County Adult Probation and Parole Advisory Committee.
  - Provides that the above-mentioned grants are to be annual grants and shall be used to supplement and not supplant existing funding, including funding provided by county governments;
  - Specifies that the above-mentioned Justice Reinvestment Initiative – Phase 2 deposits and grant distributions shall expire July 15, 2024;

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- Establishes continuing county probation and parole grants for costs incurred by counties; and
- Makes the following appropriations from the General Fund:
  1. For fiscal years 2020-21, 2021-22, 2022-23 and 2023-24, the sum of \$16,222,000 shall be appropriated to PCCD for the purpose of formula funding to county probation and parole departments, as advised by the County Adult Probation and Parole Advisory Committee;
  2. For fiscal year 2024-25, the sum of \$16,222,000 plus 90% of the amount determined to be savings in the prior fiscal year shall be appropriated to PCCD for the purpose of formula funding to county probation and parole departments, as advised by the County Adult Probation and Parole Advisory Committee;
  3. Beginning in fiscal year 2025-26 and annually thereafter, the Commonwealth shall adjust the appropriation to reflect the annual percentage change in the Consumer Price Index (CPI) for All Urban Consumers, published by the United States Department of Commerce, Bureau of Labor Statistics, occurring in the one-year period ending on January 1 immediately preceding July 1; and
  4. If insufficient funds are appropriated, each county shall receive a prorated reduction in funding.

This act shall take effect in 60 days.

### **FISCAL IMPACT:**

This legislation revises the Justice Reinvestment funding to account for savings expected from other legislation introduced during the current and previous sessions of the General Assembly. It seeks to distribute funding for increased victim compensation (\$250,000 annually), to provide funding (\$400,000 annually) to the Sentencing Commission for risk assessment and JRI sentencing features, and to provide resources to meaningfully improve county adult probation and parole.

Additionally, the legislation makes appropriations to PCCD for the purpose of formula funding to county probation and parole departments. Currently, county adult probation services receives \$16,222,000 from the General Fund through an appropriation to the Board of Probation and Parole. This legislation increases that amount in FY 2024-25 by appropriating 90% of the amount determined to be savings in the prior fiscal year, in addition to the current appropriation of \$16,222,000. It is expected that there will be an estimated \$19.5 million in savings from other provisions of this legislation.

The grant funding required by this legislation is dependent upon deposits from savings to the Department of Corrections. Therefore, there would be no adverse fiscal impact to the Commonwealth.