

Date of State Budget Office Approval: *Received by House Fiscal Feb 28, 2012*
Date Requested: Tuesday, February 07, 2012
Date Due: Friday, February 17, 2012

<i>Impact on Expenditures</i>		<i>Impact on Revenues</i>	
FY 2012	\$73,258	FY 2012	\$0
FY 2013	\$29,489	FY 2013	\$0
FY 2014	\$71,778	FY 2014	\$0

Explanation by State Budget Office: The proposed legislation amends the current provisions of the Earned Good Behavior time system by excluding offenders who commit the crimes of murder, kidnapping of a minor, first degree sexual assault and first and second degree child molestation. Program participation time and time for meritorious service is not affected. The law would take effect July 1, 2012 and shall apply to all earned time not awarded or otherwise credited to prisoners on or before that date.

Comments on Sources of Funds: General revenue.

Summary of Facts and Assumptions: The proposed legislation would amend the current method of calculating good behavior earned time by excluding certain offenders from receiving statutory good behavior time. For all other offenders, it is proposed that the good behavior time formula incorporate the post-2008 revision which currently allows offenders to earn 10 days per month of good behavior time. Summary of Population Impact:

	Total Population	Incremental growth
FY2013	5	0
FY2014	16	11
FY2015	23	18

Although effective July 1, 2012, this fiscal note assumes passage of this bill by May 1, and assumes reprogramming and other costs in FY 2012 as outlined below. As of the July 1, 2012 effective date, offenders who commit the crimes of murder; kidnapping of a minor; first degree sexual assault, first and second degree child molestation; are ineligible to earn statutory good behavior time; however, it is assumed that industrial time for working and meritorious time remains. Inmates with the above offenses who are currently incarcerated and receiving good time would no longer receive good time effective July 1, 2012. The above cost estimates do not include legal costs or judgment awards for damages resulting from litigation from inmates. For the purposes of this fiscal note, it is assumed that no good time is awarded to both new commitments and currently incarcerated offenders with those crimes.

*Summary of Fiscal
Impact:*

Population Estimate: The department's vendor JFA Associates has provided population changes based upon a population projection model after reviewing amendments in language and categories of offenses. This current version provides that those offenders sentenced for murder; kidnapping of a minor; first degree sexual assault, first and second degree child molestation will continue to receive good behavior time. It is assumed that those individuals who commit these crimes after July 1, 2012 would not receive good behavior time. Based on the available population model, JFA projected that the population will increase by 18 inmates by FY 2015 and by FY 2022 the inmate population will increase by 83.

For the above forecast period, it is assumed that the increased population will be housed in housing modules currently opened at High Security and Gloria McDonald Women's Facility. If these housing modules become full, currently closed modules will need to be re-opened increasing the projected cost. Based upon not having to open additional housing modules, the projected cost is based upon the average per diem cost of \$3,800 which accounts for inmate-driven expenses such as food, clothing, and medical expenses. Also included is inmate pay for one female prisoner. Please refer to the table below which indicates the incremental costs related to the increase in the population by fiscal year. Those costs reflect the incremental increase in each year (whereas the costs must be added to the cost outlined in the prior year).

The Department of Corrections has indicated that, at some point past FY 2015 (outside the above forecast period), the inmate increase may require the reopening of housing modules that are currently closed in the Intake Service Center, In this case, additional staffing costs to supervise the inmate population would be incurred. The annual cost of opening an additional module (whatever the the number of inmates) would be as follows: 8 one-shift posts X 8 hours X 365 X \$46.75 overtime rate=\$1,092,080.

Other required functions: It is assumed that a consultant would be required to make the required good time program changes to the Infacts Database and that the Records and ID Unit will work overtime for two months to manually calculate good time until changes are made in database. The majority of these expenses will occur in FY 2012. Post FY 2012 includes funds to maintain the Infacts Database for these new changes.

Detail of Costs:

FY 2012:
Reprogramming Consultant: \$50,000
Records & ID Recalculation \$23,258
Total: \$73,258

FY 2013:
Reprogramming maintenance \$10,000

Population Increase: (5): \$19,489
Total: \$29,489

FY 2014:
Reprogramming maintenance: \$10,000
FY 2013 Increase (5): \$19,489
FY 2014 Increase: (11): \$42,289
Total: \$71,778

Additional Comment: The projection model assumes a flat commitment number. Should the commitment number increase, the projected population could increase as well.

Fiscal Advisor's Approval:

Signature:



