

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3343-01
Bill No.: HB 1262
Subject: Probation and Parole; Crimes and Punishment
Type: Original
Date: March 2, 2010

Bill Summary: The proposal requires a probation or parole condition that the defendant agree to certain searches when the probation or parole officer has reasonable suspicion that the defendant is or has been engaged in criminal activity.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue Fund	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Attorney General** assume any potential costs arising from this proposal can be absorbed within existing resources.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Corrections (DOC)** assume the proposal requires that a defendant agree to searches when the probation or parole officer has reasonable suspicion that the defendant is or has been engaged in criminal activity.

Probation and Parole (P&P) Officer responsibilities do not currently involve searching. Passage of this proposal would require DOC to train P&P staff and to modify existing procedures. Training would need to address officer safety issues, evidence processing and storage, courtroom testimony, etc. Additional FTE may be required. Refusal of such agreement by the offender could warrant incarceration with the extent and duration of the time served at the discretion of the court. Litigation against P&P staff may result (due to these searches) claiming violation of the 4th Amendment and whether reasonable suspicion existed for the search.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY09 average of \$16.04 per offender, per day, or an annual cost of \$5,855 per inmate) or through supervision provided by the Board of Probation and Parole (FY09 average of \$3.71 per offender, per day or an annual cost of \$1,354 per offender).

DOC assumes the proposal would result in increased costs of an Unknown amount.

Officials from the **Office of Prosecution Services** assume the proposal would have no measurable fiscal impact the Office of Prosecution Services or county prosecutors.

Officials from the **Office of the State Public Defender** assume the proposal would have no fiscal impact on their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
GENERAL REVENUE FUND			
<u>Costs – Department of Corrections (DOC)</u>			
Training costs	(Unknown)	(Unknown)	(Unknown)
Incarceration/probation costs	(Unknown)	(Unknown)	(Unknown)
Total Costs – DOC	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

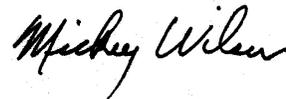
In addition to any other conditions of probation or parole, the proposed legislation requires any defendant placed on probation or parole to agree to any search of his or her person, property, place of residence, vehicle, or his or her personal effects at any time by his or her supervising probation or parole officer, with or without an arrest or search warrant, when the officer has reasonable suspicion to believe that the person is or has been engaged in criminal activity. If the defendant refuses to agree to this condition, he or she will not be eligible for probation or parole.

This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Office of the Attorney General
Office of State Courts Administrator
Department of Corrections
Office of Prosecution Services
Office of the State Public Defender

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive style with a large initial "M".

Mickey Wilson, CPA
Director
March 2, 2010