

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 1145

PRINTER'S NO. 1522

AMOUNT

See Fiscal Impact section below

FUND

General Fund

DATE INTRODUCED

November 25, 2009

PRIME SPONSOR

Senator Greenleaf

HISTORY OF BILL

Referred to JUDICIARY, Nov. 25, 2009

Reported as committed, Dec. 15, 2009

First consideration, Dec. 15, 2009

Re-referred to APPROPRIATIONS, Feb. 1, 2010

Re-reported as committed, May 24, 2010

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 1145 amends Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to provide for the adoption of sentencing guidelines and a risk and needs assessment instrument by the Pennsylvania Commission on Sentencing (Commission). The purposes of the risk and needs assessment instrument are for predicting the relative risk that an offender will reoffend and be a threat to public safety and to identify the rehabilitative needs of an offender.

Specifically, this legislation provides for the following:

- Mandates that the Commission recommend confinement as it is consistent with the protection of the public, the gravity of the offense, the impact on the life of victim, and rehabilitative needs of the offender.
- Mandates that the Commission use sentencing alternatives for offender accountability, just compensation to the victim(s), and efficient use of correctional resources.
- Mandates that the Commission recommend sentencing guidelines that address:
 1. The seriousness of the offense;
 2. The criminal history of the offense;
 3. Aggravated and mitigated ranges;
 4. Correctional impact; and
 5. Resource utilization.

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- Mandates that the Commission adopt a risk and needs assessment instrument for sentencing which shall be considered by the sentencing court in determining the appropriate sentence for defendants. The purpose of the assessment is to predict the relative risk that an offender will reoffend and be a threat to public safety and identify the rehabilitative needs of an offender. The sentencing court may use the assessment to determine whether a more thorough assessment is necessary and to order a presentence report. Provides that a risk and needs assessment instrument shall be used in determining appropriate candidates for alternative sentencing.

The intent of this legislation is to identify who needs to be in a secure prison setting and who would be a good candidate for alternative sentencing.

FISCAL IMPACT:

This legislation is based on a program which Virginia has had in place for several years. A 2002 report studied six pilot sites in Virginia and concluded that the risk assessment tool resulted in savings to Virginia of \$1.2 million and if expanded statewide could result in savings of between \$2.8 and \$3.6 million. Additionally, the Pennsylvania Commission on Crime and Delinquency recently conducted a correctional population impact analysis of Senate Bill 1145 and concluded that if all eligible offenders were sentenced to State Intermediate Punishment (SIP), it could reduce the State prison population by 9,180 offenders in state prison by year 3. If only 25% of those eligible were sentenced to SIP by the third year the State prison population would be reduced by 2,295. The actual reduction in the State prison population cannot specifically be determined at this time.

Secretary Beard (Department of Corrections) testified before the Senate Appropriations Committee on March 2, 2010 that the enactment of Senator Greenleaf's prison reform package could potentially save the Commonwealth \$60 million. However, savings of this magnitude would not be realized in the first year of enactment.

The Sentencing Commission has estimated an annual cost of \$750,000 to support the new duties as proposed in this legislation, along with the yet-unfunded guideline development duties assigned pursuant to Acts 81 and 83 of 2008. It is estimated that these costs would be offset by the savings incurred by the passage of the above mentioned legislation.

The enactment of this legislation, in conjunction with the other bills in the correction reform package, are assumed to result in significant savings overtime. Specific savings cannot be quantified, until such time as the Commission adopts an assessment tool and the courts actually implement sentencing guidelines.