

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 411

PRINTER NO. 489

AMOUNT

See Fiscal Impact

FUND

General Fund

DATE INTRODUCED

March 11, 2021

PRIME SPONSOR

Senator Browne

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 411 amends Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, consolidating certain functions, duties and powers of the Pennsylvania Department of Corrections (department), the Pennsylvania Parole Board (board) and the Board of Pardons. The legislation provides for an independent Pennsylvania Parole Board and Board of Pardons with a separate line item appropriation for each.

This legislation consolidates overlapping duties of the Department of Corrections and The Pennsylvania Board of Probation and Parole and provides for all of the following:

- Changes the name of “The Pennsylvania Board of Probation and Parole” to “The Pennsylvania Parole Board” (board) in Title 42;
- Defines the board as an independent administrative board for the purpose of granting and revoking paroles to certain offenders within this Commonwealth;
- The board shall function independently of the department regarding all of the board’s decision-making functions, as well as any other powers and duties specified in Title 61;
- One or more members of the board may attend and participate in any meeting via videoconferencing or similar virtual presence technology;
- Two-person panels may make decisions on parole, reparole, return or revocation. A panel may meet and take action via videoconferencing or similar virtual presence technology, with the exception of in-person testimony pursuant to the Crime Victims Act;
- The structure of the board and appointment of members remains the same. The board will appoint the secretary of the board and sufficient hearing examiners to conduct the required hearings. Legal counsel for the board shall be appointed in accordance with the Commonwealth Attorneys Act;
- The department shall provide offices for the board;
- The board has the power to establish special conditions of supervision for paroled offenders. Conditions of supervision must be based on the risk presented by and the rehabilitative needs of the offender;

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- The board has the power to promulgate regulations establishing general conditions of supervision applicable to every paroled offender;
- The time period to be served when an offender is recommitted to a state correctional institution shall be computed by the board;
- Requires notification to victims and family members and the board by the Office of Victim Advocate;
- Transfers powers of the board to supervise offenders to the department and provides that the first and foremost duty of the department shall be to protect the safety of the public when supervising offenders;
- Declares agents as peace officers with police power and authority throughout the Commonwealth to arrest without warrant any department-supervised offender for failing to report as required or for any other violation of his conditions of supervision;
- Duties related to compiling statistical data regarding offenders on probation or parole and establishment of statewide standards for supervision are transferred from the board to the department;
- Adds "parole violator center" to the list of facilities where a technical parole violator can be sent. This term is defined as "an area within the secure perimeter or on the grounds of a state correctional institution or any contracted facility or contracted county jail that has been designated to house offenders detained or recommitted by the board for a technical parole violation;
- The appropriation for the board must be in a separate line item;
- Updates section references related to verification of sexual offenders;
- Clarifies that all hearings shall be conducted in compliance with 65 Pa.C.S. Ch. 7 (relating to open meetings);
- Amends the "Powers of peace officers" section in Title 61, clarifying the immediate area of a state correctional facility or mode of transport shall encompass the curtilage up to and including one-half of one mile;
- Transfers the Board of Pardons to Title 61;
- Clarifies that the Board of Pardons will remain independent; however the department shall provide facilities, administrative support and other assistance;
- The appropriation for the Board of Pardons must be in a separate line item under the department; and
- Makes certain repeals necessary for the Board of Pardons' transfer to Title 61.

This act shall take effect immediately.

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FISCAL IMPACT:

Many of the requirements of SB 411 have already been implemented as a result of a Memorandum of Understanding (MOU) between the department, board and Board of Pardons. As a result of the MOU, the Commonwealth has already achieved \$12.1 million in savings and operational efficiencies. In addition, according to the department, the consolidation has provided improved treatment and caseload management, enhanced public safety, reduced costs and better accountability.

Specifically, the MOU savings are as follows:

- Operational efficiencies/Reduced duplicative work;
- Decrease in parolee recidivism;
- Use of electronic monitoring;
- Centralized referrals for efficient Bureau of Community Corrections (BCC) bed use;
- Parole staffing efficiencies for Integrated Classification Summary Applications (ICSA) and home plans; and
- LEAN weapons purchasing.

The following table illustrates the actual savings from FY 2017-18 through FY 2019-20 due to the MOU.

MOU Savings Summary				
	Actual	Actual	Actual	Total MOU Savings
	FY 2017-18	FY 2018-19	FY 2019-20	FY17 to FY20
Fewer Parole Violators (overall)	\$480,000	\$1,920,000	\$57,600	\$2,457,600
PVC Population Reduction	\$590,000	\$2,360,000	\$70,800	\$3,020,800
Increase in Parole Successful Cases Closed	\$0	\$0	\$0	\$0
Organization Chart Update	\$0	\$0	\$400,000	\$400,000
SIP Phase 3	\$900,000	\$3,600,000	\$108,000	\$4,608,000
Combine MOC	\$0	\$0	\$1,200,000	\$1,200,000
Training	\$3,016	\$15,112	\$3,106	\$21,234
Centralized Referrals	\$0	\$0	\$400,000	\$400,000
ICSA Streamlining	\$0	\$0	\$0	\$0
Weapons Conversion	\$0	\$0	\$6,000	\$6,000
Transportation	\$0	\$0	\$0	\$0
SIP Furloughs	\$0	\$0	\$0	\$0
Merger Savings Total:	\$1,973,016	\$7,895,112	\$2,245,506	\$12,113,634

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The intent of this legislation is to statutorily merge the department, board and Board of Pardons in order to provide a permanent reliable infrastructure and resolve employment, appropriations and fiscal-related issues. Currently, some efficiencies cannot be accomplished due to certain bargaining agreement constraints.

Enactment of this legislation will result in an estimated savings of an additional \$1.7 million in the current fiscal year due to SIP furloughs and a decline in overtime hours for transportation-related duties. Through FY 2022-23, enactment of this legislation is projected to generate savings of \$10.5 million (see items bolded and italicized in the following table). Savings from the MOU and merger from FY 2017-18 through FY 2022-23 are estimated to total \$29.6 million.

The following chart illustrates the estimated savings from the current fiscal year through FY 2022-23 due to the MOU and enactment of this legislation.

MOU and Merger Savings Summary				
	Projected	Projected	Projected	Additional MOU and Merger Savings
	FY 2020-21	FY 2021-22	FY 2022-23	
Fewer Parole Violators (overall)	\$59,328	\$61,108	\$62,330	\$182,766
PVC Population Reduction	\$72,924	\$75,112	\$76,614	\$224,650
Increase in Parole Successful Cases Closed	\$1,402,933	\$140,293	\$154,323	\$1,697,549
Organization Chart Update	\$0	\$0	\$0	\$0
SIP Phase 3	\$111,240	\$114,577	\$116,869	\$342,686
Combine MOC	\$36,000	\$37,080	\$37,822	\$110,902
Training	\$3,200	\$3,296	\$3,362	\$9,858
Centralized Referrals	\$800,000	\$960,000	\$979,200	\$2,739,200
ICSA Streamlining	\$456,606	\$456,606	\$465,738	\$1,378,950
Weapons Conversion	\$6,000	\$6,000	\$256,000	\$268,000
<i>Transportation **</i>	<i>\$1,700,000</i>	<i>\$5,168,000</i>	<i>\$3,537,360</i>	<i>\$10,405,360</i>
<i>SIP Furloughs</i>	<i>\$30,000</i>	<i>\$60,000</i>	<i>\$60,000</i>	<i>\$150,000</i>
MOU and Merger Savings Total:	\$4,678,231	\$7,082,072	\$5,749,618	\$17,509,921
<i>** Estimates are based on cutting transportation OT hours by 50%.</i>				
<i>Note: Bold/Italicized savings are dependent on a completed merger via this legislation. All other savings will continue with just the MOU in place.</i>				