

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 13, 2010  
POSITION: Oppose

BILL NUMBER: AB 1678  
AUTHOR: T. Lieu

**BILL SUMMARY: Prisoners: Parole**

This bill would provide that a person shall not be granted non-revocable parole (NRP) if he or she is required to register pursuant to the Street Terrorism Enforcement and Prevention Act, is listed on the CalGang System, has identified himself or herself as a gang member or has been convicted of specified violent crimes. This bill would also require that local law enforcement agencies be informed of inmates eligible for release on NRP and that public disclosure of information regarding such parolees be provided.

**FISCAL SUMMARY**

We note that the Budget Act of 2009 included estimated savings totaling \$178.5 million General Fund (GF) as a result of the implementation of NRP throughout the California Department of Corrections and Rehabilitation (CDCR). Specifically, NRP prohibits specified offenders from being placed on active parole supervision, which in turn reduces the number of offenders being returned to custody due to parole violations.

According to the CDCR, the specific fiscal impact of this measure is unknown, but could be significant. Specifically, this measure would result in increased parole supervision costs and increased state incarceration costs as fewer parolees would be on NRP than previously projected. In addition, the notification requirements and hearing requirements contained in this measure would drive significant new workload within the CDCR and the Board of Parole Hearings (BPH). Ultimately, it is expected that this bill could dramatically reduce the number of inmates approved for NRP and as a result we estimate that this measure, in total, could result in additional costs up to \$77.4 million GF for the CDCR.

**COMMENTS**

The Department of Finance is opposed to this measure as it would result in significant General Fund costs at a time when the state is facing a budget deficit.

Existing law:

- Requires the CDCR to release a prisoner on a specified period of parole after the expiration of a term of imprisonment.
- States that the CDCR is authorized to return a parolee to prison if the BPH determines that the parolee violated the terms of his or her parole, as specified.
- Prohibits the CDCR from returning a parolee to prison, placing a parole hold on the parolee, or reporting the parolee to the BPH for a violation of parole, if the parolee has not committed a violent or serious felony, is not required to register as a sex offender, was not found guilty of a serious disciplinary offense while in prison, is not a validated member of a prison gang, and has been determined by using a validated risk assessment tool as not posing a high risk to refined, as specified.

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Analyst/Principal (0234)	Date	Assistant Program Budget Manager	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

**BILL ANALYSIS** Form DF-43 (Rev 03/95 Buff)

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**COMMENTS** (continued)

This bill would:

- State that NRP shall not be granted if a local law enforcement agency raises an objection to the release of a person and would set up a review process if there is non-concurrence to the objection by the Secretary of the CDCR.
- State a person who has been convicted of the following offenses shall not be granted non-revocable parole:
  - Solicitation of murder;
  - Stalking;
  - Domestic violence, as specified;
  - Possession of an explosive or destructive device;
  - Unlawfully causing a fire that causes an inhabited structure or inhabited property to burn;
  - Cruelty against children;
  - Battery resulting in serious bodily injury;
  - Battery against an official; or,
  - Evasion of a peace officer.
- Prevent an individual from being granted NRP if he or she is required to register as a gang member, is listed on the CalGang System operated by the Department of Justice, or has identified himself or herself as a gang member to CDCR staff.
- Require the CDCR to publish the following information on its public Web site:
  - The total number of persons paroled on non-revocable parole;
  - The crimes for which the parolees have been convicted;
  - A list of each relevant crime and the corresponding number of persons who have been released who have been convicted of that crime; and,
  - The tally of persons convicted of a crime shall include prior convictions and convictions for which the persons are on parole.

**ANALYSIS****A. Fiscal Analysis**

The Budget Act of 2009 included estimated savings totaling \$178.5 million GF as a result of the implementation of NRP throughout the CDCR. Specifically, NRP prohibits specified offenders from being placed on active parole supervision, which in turn reduces the number of offenders being returned to custody.

According to the CDCR, the specific fiscal impact of this measure is unknown, but could be significant. Specifically, this measure fails to indicate an effective date and whether or not anyone who is currently screened, eligible, and placed onto NRP would have to be re-screened under the new guidelines. If it would apply to this population, the CDCR would have to seek and apprehend over 8,000 offenders previously released under NRP. This would represent a significant unanticipated and unknown General Fund cost to the CDCR.

In addition, there would be a significant number of inmates previously considered potentially eligible for NRP that would now be excluded from that original estimate. A reduced population eligible for NRP would increase the supervision costs for the supervised parole population. We note that to supervise each additional individual who is no longer eligible to be on NRP would cost the state approximately \$6,000 per parolee. Assuming, this measure reduces the estimated eligible NRP population by 15 percent, the state could incur additional parole costs totaling \$28.8 million GF. Moreover, increasing the number of offenders on supervised parole would result in an increase in the state's prison population, as offenders could more easily be returned to custody for parole violations.

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The cost of additional inmates returned to prison as a result of this measure would be approximately \$23,000 GF per inmate, per year. Assuming that 2,000 parolees are returned to custody, this measure could cost the state \$46 million GF in additional incarceration costs.

The CDCR also indicates that the notification requirements of this measure, local law enforcement agency objections sent to the CDCR, public hearing requirements, making accessible parole information to law enforcement agencies through the California Law Enforcement and Telecommunications System, and posting data online would have a significant workload impact on their programs. Also, the necessity to track cases, as required by this measure, would likely result in the need to develop an IT system/solution. The CDCR states that until details of the required processes can be worked out, it is uncertain what the specific costs and/or complications related to the notification process would be. However, they are projecting that one Case Records Technician position at each of the 48 records offices would be needed to monitor and process these notifications and one Research Analyst II position would be needed to provide specified information on CDCR's Internet website regarding inmates released to NRP. We estimate that the additional staffing would cost approximately \$2.6 million GF.

Finally, this measure could result in significant additional workload for the BPH, as this measure would require the BPH to hold a public hearing if the Secretary of the CDCR disagrees with local law enforcement's objection to the release of an offender on NRP. We note that this new workload could cause the BPH to become non-compliant with the requirements of *Lugo v. Schwarzenegger*, which requires the BPH to conduct lifer hearings within specified time frames, as existing staff would need to be used to conduct the new hearings until such a time as new staff could be hired. We cannot estimate the specific number of staff needed or the fiscal impact to the BPH at this time.

We estimate that this measure, in total, could result in additional costs up to \$77.4 million GF.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	
5225/Corr & Rehab	SO	No			-----	See Fiscal Analysis	-----		0001