

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: August 2, 2010
POSITION: Neutral

BILL NUMBER: SB 1266
AUTHOR: C. Liu

BILL SUMMARY: Inmates: Alternative Custody

This bill would authorize the California Department of Corrections and Rehabilitation (CDCR) to implement an alternative custody program for females, pregnant inmates, and persons committed to state prison who were primary caregivers of dependent children immediately prior to incarceration.

FISCAL SUMMARY

The fiscal impact of this bill is unknown. Based on the criteria specified for participation in this alternative custody program, it is likely that the majority of inmates eligible for this program would be low level offenders and the institution savings achieved would likely be less than the overcrowd rate of \$25,000 per year per inmate. This institution savings would be offset by the cost of operating the alternative custody program, which at this time is unknown.

The CDCR notes that the fiscal impact of this bill is unknown and is contingent upon the actual contract costs to operate the program and the total number of inmates who would participate in this program.

Any local government costs resulting from the mandate in this measure would not be state-reimbursable, because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the May 11, 2010 version do not alter our position. These amendments include:

- Remove the requirement to allocate 50 percent of the savings achieved through the provisions of this bill to evidence based rehabilitative programs and services for alternative custody.
Require participants in the alternative custody program to agree to fully participate in the program.
Require the CDCR to use a risk and needs assessment on each inmate to determine the inmate's eligibility for alternative custody and which program is appropriate for individual inmates.
Require the CDCR to determine the cost effectiveness of the alternative custody program, as specified.

COMMENTS

The Department of Finance has no fiscal concerns with providing CDCR the authority to operate this alternative custody program. We would expect that the CDCR would only operate the program if the cost of doing so, including costs for the required cost-effectiveness evaluation and the risk and needs assessments, would be below the cost of housing the offenders within CDCR institutions.

(continued)

Analyst/Principal Date Assistant Program Budget Manager Date
(0233)

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

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

C. Liu

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SB 1266

**COMMENTS (continued)**

This bill would authorize, not require, the CDCR to implement an alternative custody program for females, pregnant inmates, and persons committed to state prison who were primary caregivers of dependent children immediately prior to incarceration, as specified. This bill also specifies that if an inmate escapes or attempts to escape from an alternative custody program, that inmate is guilty of a misdemeanor.

This bill would exclude inmates who:

- Have a current or prior conviction for a serious or violent felony.
- Have a current or prior conviction that requires the inmate to register as a sex offender.
- Are deemed by a validated risk and needs assessment test to be at high risk of committing a violent offense.
- Have a history of escape from a correctional facility within the last 10 years.

This bill would require:

- The alternative custody programs to include, but not be limited to, confinement in a residential home, a residential drug or treatment program, or a specified transitional care facility during hours specified by the department.
- The use of electronic monitoring devices to verify compliance with the rules and regulations of the program.
- Participants in the alternative custody program to agree to fully participate in the program.
- The CDCR to collaborate with local law enforcement and community based programs to implement and track individuals placed in alternative custody.
- The CDCR to use a risk and needs assessment on each inmate to determine the inmate's eligibility for alternative custody and which program is appropriate for each individual inmate.
- The CDCR to determine the cost effectiveness of the alternative custody programs, as specified.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP	FC	2010-2011	FC	2011-2012	FC	2012-2013	
5225/Corr & Rehab	SO	No							0001

----- See Fiscal Summary -----