

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 1296

SHORT TITLE: Sex Offender Post-Release Supervision

SPONSOR(S): Senator Odom

FISCAL IMPACT: Expenditures: Increase (x) Decrease ()
Revenues: Increase () Decrease ()
No Impact ()
No Estimate Available ()

FUNDS AFFECTED: General Fund (x) Highway Fund () Local Fund ()
Other Fund ()

BILL SUMMARY: To extend the regular period of post-release supervision from six to nine months (A-E felons). To extend the regular period of post release supervision for A-E sex offenders from six months to five years; and to provide for special conditions of post-release supervision for sex offenders and persons convicted of offenses involving physical, mental, or sexual abuse of minors.

EFFECTIVE DATE: December 1, 1996

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED: Department of Correction

FISCAL IMPACT

| | <u>FY</u> 1996-97 | <u>FY</u> 1997-98 | <u>FY</u> 1998-99 | <u>FY</u> 1999-00 | <u>FY</u> 2000-01 |
|--------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| TOTAL EXPENDITURES | -0- | -0- | \$386,756 | \$639,046 | \$814,422 |
| RECURRING | -0- | -0- | 337,106 | 619,186 | 767,0 |
| NON-RECURRING | -0- | -0- | 49,650 | 19,860 | 47,4 |
| POSITIONS: | None | None | 10 | 14 | 20 |

*NOTE: Positions are effective 10/1 of each year.

ASSUMPTIONS AND METHODOLOGY:

SB 1296 requires all A through E felons convicted under the Structured Sentencing Act (with the exception of sex offenders) that are released from

prison to be supervised by a probation/parole officer for a period of nine months after release (current law is six months). A-E sex offender felons would be under post-release supervision for five years and be subject to stringent post-release supervision conditions.

The Sentencing and Policy Advisory Commission has estimated the following number of offenders would need post-release supervision based on this bill:

TABLE 1
Offenders Under Post-Release Supervision

| End of Fiscal Year | Supervision for 9 months A - E Felons | Supervision of A- E Felon Sex Offenders for 5 Years |
|--------------------|---------------------------------------|---|
| 96-97 | 0 | 0 |
| 97-98 | 7 | 0 |
| 98-99 | 116 | 0 |
| 99-00 | 180 | 4 |
| 00/01 | 220 | 12 |

The number of offenders released in the first five years is relatively small because post-release supervision only applies to offenders convicted on or after October 1, 1994 the Structured Sentencing Act effective date. Offenders that were convicted prior to Structured Sentencing will still be paroled.

As indicated in the table above, the number of A-E sex offenders released in the next five years will 12 by the end of the fifth year, so there will be minimal short-term fiscal impact on the Department of Correction (A significant number of offenders will be released starting about year eight). However, we have included these 12 offenders in the fiscal impact estimates as discussed below.

The major fiscal impact of this bill is due to (1) increasing the period of post release supervision from six to nine months for all other A-E felons; and, (2) the type of post-release supervision recommended by the Department of Correction. The Department of Correction and Fiscal Research assume that A-E felons under post-release supervision will be supervised by two-person intensive supervision teams. These teams -- an intensive probation/parole officer and a surveillance officer -- are now used to supervise the most serious offenders sentenced to probation. Many of the offenders that will be on post-release have committed offenses more severe than those probationers currently under intensive supervision. Therefore, it follows that these offenders should receive at least this level of supervision.

Intensive teams now supervise an average of 25 offenders. Assuming two positions for every 25 offenders on post-release, 5 teams or 10 positions

will be needed by the year 97-98 for 116 offenders shown in Table 1; another two teams, or four positions, will be needed by year four for an additional 68 offenders and two additional teams, or four positions, by the fifth year for an additional 48 offenders. The total positions by the fifth year would be 9 intensive teams, or 18 positions, and two other positions (included in the fifth year only) -- one additional supervisor and one clerk typist for post-release supervision of 232 offenders (including 12 sex offenders).

(NOTE: A two-person intensive team -- a grade 68 intensive officer and a grade 64 surveillance officer -- require funding of \$98,858 for the first full year; fiscal estimates in the fiscal impact table use these costs adjusted for an October 1 hire date for all positions).

A potential area of fiscal impact involves the revocation of post-release supervision and the resulting impact on prison bed capacity. The Sentencing and Policy Advisory Commission, in consultation with Correction Research and Planning Staff estimated 15% of offenders (all offenses and sex offenders) would have their release revoked due to technical revocations). Most of these offenders would not be returned to prison for technical revocations and there will be no impact on the prison beds in the five year period covered by this fiscal note and limited impact by year ten (144 offenders).

Another potential area of fiscal impact is the requirement for sex offenders to receive treatment. However, this is current practice for sex offenders that are paroled and the offender is normally required to pay for such treatment. These practices are anticipated to be the same for post-release; therefore is no anticipated fiscal impact.

SOURCES OF DATA: Sentencing and Policy Advisory Commission (Offender Population Projection Model) and Department of Correction.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

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DATE: June 7, 1996



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