



Senate Fiscal Office

05.17.21

## Article 13: Relating to Human Services

Sections 1-4,7 Relating to Probation and Parole Reforms

### Sections 1-4, 7 Overview

- Expands Medical Parole with the Department of Corrections (DOC) to include geriatric parole.
- Makes changes to probation and parole within DOC.
- Changes the work release program within DOC such that 30% of an inmates **net** salary is withheld.

## Article 13 - Fiscal Impact

- The Budget includes a general revenue decrease of \$244,317 related to the changes in this article.

Article 13:		Expenditures:	Fund:
Sentencing Reforms	Work Release Withholding	\$18,880	General Revenue
Sentencing Reforms	Juvenile Parole	(17,268)	General Revenue
Sentencing Reforms	Probation Reforms	(46,046)	General Revenue
Sentencing Reforms	Compliance Credits	(49,886)	General Revenue
Sentencing Reforms	Medical & Geriatric Parole	(149,997)	General Revenue
		(\$244,317)	

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## DOC Medical Parole – Geriatric Expansion

- Expands medical parole within the Department of Corrections (DOC) to include geriatric parole.
- Geriatric parole would be available to inmates whose advanced age reduces the risk they pose to the public's safety.
  - All inmates above age 65, except those serving life without parole, will be eligible for geriatric parole
- All parole decisions must go through the Department's Parole Board.
- DOC has identified 28 inmates that could be eligible for geriatric parole, saving \$149,997 in FY2022.
- 17 states currently have geriatric parole; MA and CT are not among these states.

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## DOC- Parole Modifications

- **Probation Violation:** Limits probation revocation as a response to technical violations when the violation does not constitute a new alleged crime.
  - The Department of Corrections' Division of Rehabilitative Services will be able to use their discretion when deciding to revoke parole and requiring a defendant to appear in court.
- **Technical Violation:** Expands the Parole Board's discretion to respond to technical violations of parole without requiring the re-arrest of the parolee when there is no new criminal charge.
- This expansion of the Parole Board's discretion, as well as changes to probation violations detailed above, are anticipated to save \$46,046 in general revenue per-diem savings.

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## DOC- Parole Modifications

- **Juvenile Parole:**
  - Amends RIGL 13-8-14.2 to match the Department of Corrections Parole Board's existing guidelines which include special considerations for incarcerated inmates who committed crimes as juveniles younger than 18 years old.
  - Article also amends RIGL 13-8-13 to allow inmates who are given longer sentences for crimes committed before the age of 22 to be considered for earlier parole after ten years of incarceration.
- The Department estimates that 22 juveniles are potentially eligible for parole due to these changes and anticipates \$17,268 in general revenue per diem savings in FY2022.

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## DOC- Parole Modifications

### Compliance Credits:

- Amends RIGL 13-8-11 such that, beginning July 1, 2021, eligible people on parole would be allowed to earn five days of compliance credits toward the completion of their sentence for each month served without a violation.
  - Does not include those serving a sentence for a violation of felony sexual assault or murder, first degree sexual assault, kidnapping of a minor, child molestation sexual assault, or second degree child molestation assault.
- Article also amends RIGL 42-56-24 to allow those serving a probation sentence of one year or longer, including those who are serving a probation sentence after serving an incarceration sentence, to be eligible to receive a compliance credit of 10 days for each month that the person remains in compliance with the terms and conditions of their probation.
  - This will only apply to those who have served at least three years of their probation sentence.
- Changes to compliance credit eligibility is anticipated to save the Department \$46,866 in general revenue per-diem costs in FY2022.

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## DOC- Home Confinement

- Amends RIGL 42-56-20.2 to update the thresholds for which inmates will be eligible for home confinement after having served specific portions of their term of incarceration.
- Currently, people sentenced to six months or less of incarceration are eligible for home confinement upon completion of 3/4ths of their sentence.
  - Amendment would update thresholds such that people sentenced to six months or less must serve one-half (1/2) of their term of incarceration.
- People with longer sentences are eligible once they are six months from their projected release date, as long as they have served at least one-half (1/2) of their term of incarceration.
  - Amendment would update thresholds such that people sentenced to more than six months must be within one year of their anticipated release date
- Changes would allow low-risk inmates to move to home confinement sooner, decreasing costs associated with housing an inmate.

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## Work Release Inmate Earnings

- Amends RIGL 42-56-38 such that 30.0 percent of an inmate's **net** salary will be withheld from their income earned through work release.
  - Under current law, 30.0 percent of an inmate's **gross** salary is withheld.
- The Department withholds a portion of the inmates' work release earnings for room and board.
- The Department currently has the capacity to hold up to 24 in the work release module.
- The Budget includes an additional \$18,800 in general revenue from this change.
  - This increase is the net result of the revenue loss when the 30.0 percent of an inmate's net salary is withheld, rather than gross salary, combined with the earnings that will be withheld from an additional 9 inmates participating in the program.