



**151st GENERAL ASSEMBLY
FISCAL NOTE**

BILL: HOUSE BILL NO. 37
SPONSOR: Representative Minor-Brown
DESCRIPTION: AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO PUBLIC HEALTH EMERGENCY CREDITS.

Assumptions:

1. This Act becomes effective upon signature by the Governor.
2. This Act creates a public health emergency credit (the "credit") that would automatically be awarded to an inmate in the custody of a Department of Correction (DOC) Level IV or Level V facility who is serving a sentence or receiving credits applicable to a sentence during a public health emergency declared by the Governor.
3. This Act provides that the credit would be awarded at the rate of 6 months for every month served during the public health emergency up to a maximum reduction in a sentence of 1 year.
4. A review of DOC records has found that up to 877 individuals currently scheduled for release within the next 12 months from Level IV work release/violation of probation facilities and Level V facilities could be released immediately upon the effective date of this legislation. The Bureau of Community Corrections supervises offenders after release from incarceration or a work release facility.
5. The DOC, Bureau of Community Corrections, Probation and Parole, advises it does not have the capacity within its current caseload to handle an influx of the estimated 877 offenders that would still require supervision upon release from incarceration. The DOC believes it would need to hire and equip an additional 23.0 FTE Probation and Parole Officers statewide, acquire additional electronic monitoring devices, procure additional workspace for staff, and require programming updates to the Delaware Automated Correction System (DACS) to accommodate the influx of offenders to its caseload. Recurring annual costs are estimated at \$1,989,056, and one-time costs are estimated at \$721,277 and are as follows:
 - a. Recurring Costs - \$1,989,056
 - i. \$1,649,005 in Personnel Costs, including Other Employment Costs (OECs), for 23.0 FTE, Probation and Parole Officer.
 - ii. \$37,340 in additional electronic monitoring equipment expenses for 32 offenders.
 - iii. \$280,237 estimated rent and utilities for the reallocation of non-Probation and Parole supervisory staff in Kent and Sussex county Probation and Parole facilities to accommodate new Probation and Parole Officers.
 - iv. \$22,474 for four additional Fleet vehicles (two for New Castle County and one vehicle each for Kent and Sussex counties) to accommodate new Probation and Parole Officers.
 - b. One-Time Costs - \$721,277
 - i. \$212,500 estimated for the necessary programming updates to the Automated Sentence Calculation system to accommodate new credit calculations, system display, and reporting capabilities for compliance.

- ii. \$252,951 estimated to expand an existing facility Probation and Parole facility in New Castle County to accommodate new Probation and Parole Officers.
 - iii. \$130,774 for additional radios for new Probation and Parole Officers.
 - iv. \$56,052 for firearms and other safety equipment for new Probation and Parole Officers.
 - v. \$69,000 for computer equipment and office furniture startup costs for new Probation and Parole Officers.
6. All Fiscal Year 2022 personnel costs have been estimated for 10-months of funding with the annualization of the remaining 2-months incorporated into subsequent year estimates. Additionally, a 2% inflation cost has been included for projected increases to salary, health insurance, and OECs.

Cost:

	<u>One-Time</u>	<u>Operating/Recurring</u>
Fiscal Year 2022:	\$721,277	\$1,989,056
Fiscal Year 2023:		\$2,358,433
Fiscal Year 2024:		\$2,398,800

Prepared by Jason R. Smith
Office of the Controller General