152nd GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**SENATE SUBSTITUTE NO. 1 FOR SENATE BILL NO. 4**
SPONSOR:	**Senator Pinkney**
DESCRIPTION:	**AN ACT TO AMEND TITLE 11, TITLE 13, AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE CRIMINAL JUSTICE SYSTEM, INCLUDING PROBATION.**

Assumptions:

1. This Act becomes effective upon signature by the Governor.
2. This Act makes changes to Delaware's probation system. Further, this Act provides that the Court, Board of Parole, or Probation and Parole officer may not impose a standard or special condition of supervision with which the individual on probation cannot reasonably comply and that before imposing a condition, it must be determined if the individual on probation has the necessary resources and ability to comply with the condition. Further, the Court, Board of Parole, or Probation and Parole Officer must facilitate acceptance into the program and ensure availability within the county where the individual on probation resides if a program is a requirement of supervision. This Act also requires a Probation and Parole Officer to connect the individual on probation with needed services and resources before pursuing sanctions.
3. This Act compels the Department of Correction (DOC), Probation and Parole, to facilitate acceptance of an individual on probation required by court order or statute into a supervision-mandated program(s) that require a cost as well as make all efforts to connect individuals with services and resources. Therefore, it is assumed that the DOC will have to significantly expand its ability to provide access to various supervision-mandated programs to individuals on probation to avoid pursuing sanctions against individuals who cannot reasonably comply and do not have the resources.
4. The DOC anticipates it would need to enter into various contractual agreements to provide those individuals on probation who may unlikely be able to comply with court orders with necessary services. Due to the state's procurement laws, the DOC must engage in a Request for Proposal (RFP) process for many of these services. Therefore, for Fiscal Year 2025, it is assumed that if this bill were enacted by July 1, 2024, the DOC would need at least three months to draft RFPs and complete the bidding and award process. For this reason, it is assumed that in Fiscal Year 2025, contracts for services may not begin until around October 2025, leaving nine months to be funded for the first year, with subsequent years projected for 12 months of funding. The Fiscal Year 2025 costs are estimated at $20,943,807, and one-time costs are estimated at $496,670 and are as follows:
    a. Recurring Costs – $20,943,807
        1. $70,169 in Fiscal Year 2025 personnel costs, including OECs (at a rate of 32.25%), for 1.0 FTE, Management Analyst III, to assist with contract administration.
        2. $146,625 in Fiscal Year 2025 and $195,500 in subsequent fiscal years for an average of 500 cases per year of court-ordered domestic violence programming as a condition of supervision.
        3. $14,063 in Fiscal Year 2025 and $18,750 in subsequent fiscal years for an average of 750 cases per year of court-ordered anger management programming as a condition of supervision.

4. $112,500 in Fiscal Year 2025 and $150,000 in subsequent fiscal years for an average of 150 cases per year of court-ordered ignition interlock devices programming as a condition of supervision.
5. $1,125,000 in Fiscal Year 2025 and $1,500,000 in subsequent fiscal years for an average of 1,800 cases per year of court-ordered DUI programming as a condition of supervision.
6. $22,500 in Fiscal Year 2025 and $30,000 in subsequent fiscal years for polygraph testing services related to sex offender treatment programming as a condition of supervision.
7. $114,750 in Fiscal Year 2025 and $153,000 in subsequent fiscal years for an average of 288 probationers receiving sex offender treatment services as a condition of supervision.
8. $18,750,000 in Fiscal Year 2025 and $25,000,000 in subsequent fiscal years for an estimated 4,500 probationers to receive mental health and substance abuse evaluation, assessment, and treatment services as a condition of supervision.
9. $25,000 annually to offset self-pay collections for the current GPS monitoring contract.
10. $431,200 in Fiscal Year 2025 and $367,200 in subsequent fiscal years to establish a mobile case management application to allow field officers to visit probationers at their residence or work area to reduce or eliminate the need for office visits.
11. $132,000 to deploy approximately 275 cell phones to Probation and Parole Officers to conduct official business virtually as authorized by this Act.

b. One-Time Costs – $496,670

1. $6,670 for computers, office furniture, and other supply startup costs for the new position.
2. $490,000 estimated for significant programming changes to the DOC's Delaware Automated Correction System (DACS) for enhancements and modifications to sentencing calculation modules, the addition of special condition functions, enhancements to earned credit compliance, various reports and queries identified in the Act, and integration of changes to the Criminal Justice Information System (CJIS) interface.

5. The Delaware Criminal Justice Information System (DELJIS) will have contractual programming needs that would require the creation of new fields in the system mainframe in which CJIS resides and would need to create a new integration service to ensure the additional data elements being added to DACS are delivered to the CJIS. The DELJIS estimates it would require one-time funding of $15,100 to complete the integration and other related programming.
6. This fiscal projection does not consider if programming resources for mental health, substance abuse evaluation, assessment, and treatment needs could be done more efficiently or cost-effectively in collaboration with the Department of Health and Social Service's Division of Substance Abuse and Mental Health. At this time, it is unknown if alternative funding options or suggestions exist to account for probationers with court-ordered treatment that may not be covered, such as for those who may be self-insured or enrolled in Medicaid.
7. Lastly, Fiscal Year 2025 personnel costs have been estimated for nine months of funding, with the annualization of the remaining three months incorporated into subsequent year estimates. Additionally, a 2% inflation cost has been included for projected increases in salary, health insurance, and OECs.

Cost:

	One-Time	**Operating/Recurring**
Fiscal Year 2025:	$511,770	$20,943,807
Fiscal Year 2026:		$27,666,880
Fiscal Year 2027:		$27,668,789

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