

BALLOT PROPOSITION #301

Methamphetamine; Probation Ineligibility

FISCAL ANALYSIS

Description

Proposition 301 would amend the current law so that a person who is convicted for the first or second time of personal possession or use of methamphetamine can be sentenced to a term in jail or prison. Currently, someone convicted of a first or second offense for methamphetamine possession or use cannot be sentenced to incarceration and must be sentenced to probation. Proposition 301 would remove this prohibition for methamphetamine convictions, allowing a judge to sentence those individuals to incarceration or probation as allowed by other sections of law.

Estimated Impact

The proposition could increase the cost to state government if individuals convicted on methamphetamine-related charges are sentenced to prison instead of probation. Local governments also could experience increased costs if individuals are sentenced to jail as a condition of probation. The magnitude of these costs is difficult to determine in advance.

Analysis

The Administrative Office of the Courts (AOC) reported that there were 37,617 adults added to the standard and intensive probation population in FY 2005. These offenders were convicted in the Superior Courts throughout the state.

No specific state-level statistics, however, were available showing the number of methamphetamine-related offenders convicted or sentenced to probation.

In general, prison costs are higher than probation costs. There are several different methods, however, of measuring these costs. Traditionally, increased annual funding for inmate growth in state-operated facilities has been funded at \$3,531 per inmate, which represents the marginal operating costs. This marginal funding excludes costs for staffing and capital costs, which have historically been funded when new prison beds are authorized. While the marginal funding is usually funded each year, it is not guaranteed.

The state's private prison contracts do reflect the staffing and capital costs that are excluded from the \$3,531 state prison marginal cost. If an inmate is housed in a privately-operated prison, the annual cost is about \$17,700, based on the average per diem cost of \$48.

In comparison, probation is typically funded through the addition of new probation officers, who are added when probation caseloads increase by certain increments. Statute establishes a ratio for adult standard probation of 1 probation officer for every 60 probationers. Annual funding for a caseload increase of 60 is about \$44,700, which equates to \$745 per probationer. For adult intensive probation, the ratio is 2 officers for every 25 probationers. This equates to \$3,300 per probationer.

Any increases in costs related to offenders being sentenced to prison instead of probation could be offset by savings from lower probation caseloads. These savings, however, would only be realized if probation caseloads decreased by increments of 60 for adult standard probation or 25 for adult intensive probation.

Local Government Impact

Proposition 301 could increase costs for counties and municipalities. The proposition would give judges discretion on whether to sentence individuals convicted of methamphetamine possession to prison or probation. However, even if sentenced to probation, an offender may also be required to serve a term of incarceration in a county jail, not to exceed one year, as a condition of probation. If individuals are sentenced to jail, counties would experience increased costs.

Since judges would have the option to sentence methamphetamine offenders to prison, local governments could also have increased county or city jail costs to hold the offender prior to transferring to a state prison. After sentencing, the state has 10 days to transfer an offender from jail to prison.

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This estimate was prepared by Kevin Bates (602-926-5491).