

BALLOT PROPOSITION #302
Probation; Drug Crimes

Fiscal Impact Summary

Proposition 302 allows the courts to revoke probation for those offenders who fail to comply with court-ordered drug treatment as a condition of probation, and for those offenders who commit another drug-related offense while on probation. The Proposition is estimated to increase jail expenses, but reduce probation costs. Since jail is more expensive than probation, the overall impact is probably a cost. County governments would most likely bear the increased jail costs, while the state would have the probation savings.

FISCAL YEAR

2003

2004

2005

STATE EXPENDITURES

State General Fund

Cost Increase

FISCAL ANALYSIS

Description

Proposition 302 amends current statute by permitting the revocation of probation for those offenders who fail to comply with court-ordered drug treatment as a condition of probation. In addition, the measure would permit the revocation of probation for first and second-time offenders who commit another drug-related offense while on probation.

Estimated Impact

Proposition 302 would result in more jail time and less probation for certain offenders. Since jail is more expensive than probation, overall costs would be expected to increase. The precise fiscal impact of Proposition 302 cannot be determined since we do not know the number of probation revocations or what sentences the court will impose. Depending on the sentence, the individual would be incarcerated at either the county jail, at a per day cost of \$45, or in a state correctional facility at a per day cost of \$58.51.

Because the individuals affected by this measure would be first or second time offenders, it is not likely that the court would impose a sentence to the Arizona Department of Corrections (ADC), but instead sentence these individuals to county jail facilities. Therefore, the counties would bear most of the costs associated with this measure.

In addition, since the measure could decrease the number of offenders on probation, it is possible that probation departments throughout the state could experience reduced costs associated with supervising these offenders. Each probation department is funded through county and state monies.

Analysis

According to a report issued by the Administrative Office of the Courts (AOC), there were approximately 1,250 first or second time drug possession offenders who were ordered to participate in drug treatment as a condition of probation in FY 1999. The report indicates that of the 1,250 offenders, 37% did not comply with drug treatment requirements while on probation. If we assume that the number of first and second time offenders remains the same, and the compliance rate remains the same, Proposition 302 could result in approximately 463 drug possession offenders being incarcerated for failure to comply with drug treatment. However, we do not know the length of sentences that would be imposed.

Proposition 302 also allows the court to incarcerate those offenders who commit another drug-related offense while on probation. Since we do not have specific information on the number of first and second time offenders who may commit another drug offense, we cannot estimate this probation population or provide a cost estimate associated with this provision.

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Analysis (Continued)

Of the offenders who would be ineligible for probation as a result of this measure, it is uncertain how many would be incarcerated in county jails and how many would be incarcerated at state correctional facilities. Since the offenders affected by this measure would be those convicted of first or second offenses, and since these offenders are likely to be sentenced to county facilities, the counties will bear most of the costs associated with this measure.

Local Government Impact

According to the Arizona Association of Counties, the average cost per day for an offender to be jailed in the county jail is approximately \$45. The county would therefore pay an additional \$45 for every day an offender is incarcerated as a result of this measure. Since we do not know how many offenders will be sentenced to county jails, and the length of each sentence, we cannot provide a precise cost estimate for this bill.

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This estimate was prepared by Kim Hohman (602-542-5491).
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