

Senate Bill 223

By: Senators Robertson of the 29th, Payne of the 54th and Anderson of the 24th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to
2 probation management, so as to enact the "Community Rebound Act"; to provide a short
3 title; to provide definitions; to provide for the allocation of funds; to provide for incentives;
4 to provide for reporting requirements; to provide an effective date; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation
9 management, is amended by adding a new article to read as follows:

10 "ARTICLE 8

11 42-8-130.

12 (a) This article shall be known and may be cited as the 'Community Rebound Act.'

13 (b) As used in this article, the term:

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14 (1) 'Baseline parole failure rate' means the average of the parole failure rates for fiscal
15 years 2018, 2019, and 2020. Each fiscal year's failure rate shall be the average number
16 of parolees returning to prison during the prior three fiscal years, as a percentage of the
17 average parolee population during the same period.

18 (2) 'Baseline probation failure rate' means the average of the felony probation failure
19 rates for fiscal years 2018, 2019, and 2020. Each fiscal year's failure rate shall be the
20 average number of adult felony probationers entering prison during the prior three fiscal
21 years, as a percentage of the average adult felony probation population during the same
22 period.

23 (3) 'Department' means the Department of Community Supervision.

24 (4) 'Entering prison' means a revocation of felony probation in which the destination is
25 a state-run prison or other facility for the purposes of incarceration.

26 (5) 'Evidence based practices' means supervision policies, procedures, programs, and
27 practices demonstrated by scientific research to reduce recidivism among individuals
28 under probation, parole, or post-release supervision.

29 (6) 'Marginal cost of incarceration' means the sum of all short-term variable costs
30 associated with incarcerating an individual in a state-run prison, jail, or other facility.
31 Only those correctional costs that marginally change in proportion to the inmate
32 population of a facility shall be included.

33 (7) 'Probation and parole programming' means programs consisting of a system of
34 probation and parole supervision services dedicated to any of the following goals:

35 (A) Enhancing public safety through the management and reduction of offender risk
36 while under supervision and upon reentry from prison into the community;

37 (B) Providing a range of supervision tools, sanctions, and services applied to
38 probationers and parolees based on a risk and needs assessment for the purpose of
39 reducing criminal conduct and promoting individualized behavioral change that results
40 in reducing recidivism and promoting successful reintegration into the community;

41 (C) Maximizing offender restitution, reconciliation, and restorative services to victims
42 of crime;

43 (D) Holding probationers and parolees accountable for successful compliance with
44 applicable court orders and conditions of supervision; and

45 (E) Improving public safety outcomes for persons placed on probation or parole after
46 an offense.

47 (8) 'Returning to prison' means a revocation of parole in which the destination is a
48 state-run prison or other facility for the purposes of incarceration.

49 (9) 'Supervision district' means one of the department's organizational units, which
50 contain all of the field offices within an established judicial district.

51 42-8-131.

52 (a) All amounts allocated for purposes of implementing this article shall be provided to the
53 department to administer for implementation of probation and parole programming as
54 follows:

55 (1) Funds shall be transferred from the general fund to the department, which shall
56 disburse funding to an eligible supervision district for such district's use according to
57 Code Section 42-8-135;

58 (2) Sixty percent of allocated incentive funds shall be used to improve supervision and
59 rehabilitative services, as described in Code Section 42-8-132, at the discretion of the
60 respective district administrator;

61 (3) Twenty-five percent of allocated incentive funds shall be used for performance based
62 financial bonuses for all officers within a given supervision district that receives funding
63 for improved performance; and

64 (4) Fifteen percent of allocated incentive funds shall be kept by the department for
65 administrative and data collection purposes.

66 (b) In any fiscal year in which a supervision district receives money to be expended for the
67 implementation of this article, the funds, including any interest, shall be made available to
68 the department, within 30 days of the deposit of those moneys, for the implementation of
69 probation and parole programming authorized by this article. The Board of Community
70 Supervision shall provide periodic oversight regarding the monetary allocation to the
71 specific supervision district tasked with administering the moneys to ensure that disbursed
72 funds are being appropriately used as specified in this article.

73 (c) The department shall maintain a complete and accurate accounting of any and all funds
74 received pursuant to this article. Funds allocated pursuant to this article shall be used to
75 improve supervision and rehabilitative services for probationers and parolees, which may
76 include, but are not limited to:

77 (1) Implementing and expanding evidence based practices for risk and needs assessments
78 for individualized programming;

79 (2) Implementing and expanding intermediate sanctions that include, but are not limited
80 to, mandatory community service, home detention, day reporting, restorative justice
81 programs, and work furlough programs;

82 (3) Expanding the availability of evidence based practices for rehabilitation programs,
83 including, but not limited to, drug and alcohol treatment, mental health treatment, anger
84 management, cognitive behavior programs, and job training and employment services;

85 (4) Hiring additional officers, associates, or other personnel to supervise and help
86 oversee and implement evidence based practices for rehabilitation programs;

87 (5) Giving financial bonuses to officers in supervision districts that are awarded funds
88 under this article;

89 (6) Purchasing and adopting new technologies and equipment that are relevant to and
90 enhance the task of supervision or rehabilitation; and

91 (7) Evaluating the effectiveness of rehabilitation and supervision programs and ensuring
92 program fidelity.

93 42-8-132.

94 (a) The department shall define and track specific outcome based measures which shall
95 include, but not be limited to, all of the following:

96 (1) Specification of probation or parole programs that were eliminated;

97 (2) The percentage of persons on probation or parole who successfully completed the
98 period of supervision in each supervision district and statewide, both in absolute terms
99 and as a percentage of the total number of persons on probation or parole in each
100 supervision district and statewide in a given fiscal year; and

101 (3) Funds received by the department shall be accounted for in an annual written report
102 to the Board of Community Supervision and the Department of Corrections which shall
103 evaluate the effectiveness of the funding programs established by this article.

104 (b) After the conclusion of each fiscal year, the department, in consultation with the
105 Department of Corrections, shall calculate the marginal cost of incarceration for that fiscal
106 year. Such calculation shall take into consideration factors which include, but are not
107 limited to, the average length of stay in prison for persons entering or returning to prison
108 and variable correctional costs, such as health care services, food, and clothing.

109 42-8-133.

110 (a) After the conclusion of each fiscal year, the department shall gather the data and
111 calculate for each supervision district for that fiscal year:

112 (1) A baseline probation failure rate. For purposes of calculating the baseline probation
113 failure rate, the number of adult probationers entering prison shall include those
114 probationers convicted of a new offense, as well as those probationers whose probation
115 has been revoked and who are incarcerated for any other reason, such as, but not limited
116 to, a technical violation; and

117 (2) A baseline parole failure rate. For purposes of calculating the baseline parole failure
118 rate, the number of parolees returning to prison shall include those parolees convicted of

119 a new offense, as well as those parolees whose parole has been revoked and who are
120 incarcerated for any other reason, such as, but not limited to, a technical violation.

121 (b) Each fiscal year, the department shall calculate for each supervision district probation
122 and parole failure rates that equal the number of adult felony probationers and parolees in
123 that supervision district who entered or returned to prison over the last fiscal year as a
124 percentage of the total number of people on probation or parole in the supervision district
125 during the last fiscal year. In calculating the probation and parole failure rate for each
126 supervision district, the number of adult probationers and parolees entering or returning to
127 prison shall include those probationers and parolees convicted of a new offense, as well as
128 those probationers and parolees whose probation or parole has been revoked and who are
129 incarcerated for any other reason, such as, but not limited to, a technical violation.

130 42-8-134.

131 An estimate of the number of adult probationers and parolees in each supervision district
132 successfully prevented from entering or returning to prison shall be calculated based on the
133 reduction in the supervision district's probation failure rate, compared to the supervision
134 district's baseline probation and parole failure rates as calculated annually pursuant to Code
135 Section 42-8-133. In making this estimate, the department shall adjust the calculations to
136 account for changes in each supervision district's adult probation and parole caseload in the
137 most recently completed fiscal year as compared to the supervision district's adult
138 probation and parole caseloads during fiscal years 2018, 2019, and 2020.

139 42-8-135.

140 (a) The department shall calculate a probation and parole failure reduction incentive
141 payment for each supervision district for the most recently completed fiscal year. Such
142 probation and parole failure reduction incentive payment, if any, shall equal the estimated
143 number of probationers and parolees successfully prevented from entering or returning to

144 prison, compared to the supervision district's baselines outlined in Code Section 42-8-133,
145 multiplied by 45 percent of the marginal cost of incarceration as outlined in Code
146 Section 42-8-132.

147 (b) The incentive funding for both probation and parole failure reduction shall be
148 calculated for each supervision district, then combined.

149 (c) The total incentive funding amount for any given year shall be held in the general fund,
150 then allocated to the department budget. The department shall then proportionately
151 disburse the incentive funds to each eligible supervision district based on the specific
152 calculation according to Code Section 42-8-134.

153 (d) If data of sufficient quality and of the types required for the implementation of this
154 article are not available, then the department shall use the best available data to estimate
155 probation and parole failure reduction rates utilizing a methodology that is as consistent
156 with that described in this article as is reasonably possible.

157 (e) Within 90 days of the end of each fiscal year, the department shall include the total
158 incentive funds due for the immediate past fiscal year as part of the department's proposed
159 budget.

160 (f) The moneys appropriated pursuant to this article shall be used to supplement, not
161 supplant, any other state funds or other appropriation for the department.

162 42-8-136.

163 (a) Commencing no later than 18 months following the initial receipt of funding from the
164 general fund and pursuant to this article and annually thereafter, the department shall
165 submit to the Governor and the General Assembly a comprehensive report on the
166 implementation of this article. The report shall include, but not be limited to, all of the
167 following information:

168 (1) The effectiveness of programs based on the reports of performance based outcome
169 measures required in Code Section 42-8-132;

170 (2) The percentage of adult probationers and parolees whose supervision was revoked
171 for the year of the report;

172 (3) The percentage of adult probationers and parolees who were convicted of crimes
173 during their terms of supervision for the year of the report;

174 (4) The impact of the moneys appropriated pursuant to this article to enhance public
175 safety by reducing the percentage and number of adult probationers and parolees whose
176 supervision was revoked for the year of the report for violations or new convictions and
177 to reduce the number of adult probationers and parolees who enter or return to prison for
178 the year of the report;

179 (5) Any recommendations regarding resource allocations or additional collaboration with
180 other state, regional, or local entities for improvements to this article; and

181 (6) The number of adult probationers and parolees whose supervision was revoked solely
182 for a violation of the terms of probation or parole and the number of adult probationers
183 and parolees whose supervision was revoked because of the commission of a new crime."

184 **SECTION 2.**

185 This Act shall become effective on January 1, 2022.

186 **SECTION 3.**

187 All laws and parts of laws in conflict with this Act are repealed.