



House Bill 12-1223 - Inmates Eligibility for Earned Time

Background

HB 12-1223 expanded eligibility for earned time accrual to include offenders who were convicted for felony offenses that occurred on or after July 1, 1993, and who were re-incarcerated under a parole revocation. Additionally, the bill created a new category of earned time called “achievement earned time,” which may be awarded to offenders who successfully complete a milestone or phase of an educational, vocational, therapeutic, or re-entry program; or who demonstrate exceptional conduct that promotes safety of correctional staff, volunteers, contractors, or other persons under the supervision of the Department. Savings attributable to the bill are realized when offenders reach their sentence discharge date, which includes all periods of incarceration and parole. The bill directed that savings generated by the increased accrual of earned time be appropriated to the Department’s Education subprogram for academic and vocational programs to offenders, and to the Parole subprogram for parole wrap-around services.

Earned Time Savings Calculations for FY 2015-16 Budget Request

Since the nature of earned time is to reduce an offender’s sentence, the Department tracked the number of days awarded to offenders who were discharged between May 1, 2013 and April 30, 2014. This time period continues where the Department left off (April 30, 2013) when savings were calculated for the FY 2014-15 budget request. Over this 12 month period, the Department released 2,052 offenders ahead of their original discharge date due to the receipt of 144,311 earned time days. The details on the status of the offenders when released are as follows:

	Offender Status		
	Incarcerated	Parole	Total
# Offenders Released Early	1,283	769	2,052
# Earned Time Days	105,111	39,200	144,311

In addition to determining the number of days for the savings calculation, the Department also applied separate cost per day savings factors for determining prison and parole savings. For parole, the cost per day factor of \$11.18 from the FY 2014-15 budget request was utilized. The starting point for prison savings was the current private prison provider rate of \$55.08 per day. A daily medical cost of \$5.29 was added to the prison per diem rate for a total prison savings rate of \$60.37. The details on the medical rate calculations are as follows:

Medical Rate Calculations			
	FY 2014-15 Appropriation	FY 2014-15 POPM Population*	Per Offender Per Day (POPD)
Purchase of Med Services from Other Med Facilities	\$21,172,885	18,234	\$3.18
Catastrophic Medical Expenses	\$14,039,231	18,234	\$2.11
Total Medical POPD Rate	\$35,212,116	18,234	\$5.29

* From JBC Figure Setting, March 2014

The incremental savings, as of April 30, 2014, from the 2,052 offenders that were released early due to 144,311 earned days is \$6,783,807. Since program implementation on August 1, 2012, the earned time changes enacted under HB 12-1223 have yielded \$8,533,631 in total savings. The following tables provide a recap of earned time savings:

FY 2015-16 Earned Time Savings (May 1, 2013 - April 30, 2014)			
	Incarcerated	Parole	Total
# Earned Days	105,111	39,200	144,311
Daily Rate	\$60.37	\$11.18	
Savings	\$6,345,551	\$438,256	\$6,783,807

FY 2014-15 Earned Time Savings (August 1, 2012 - April 30, 2013)			
	Incarcerated	Parole	Total
# Earned Days	26,260	14,472	40,732
Daily Rate	\$58.12	\$15.45	
Savings	\$1,526,231	\$223,593	\$1,749,824

Cumulative Earned Time Savings			
	Incarcerated	Parole	Total
FY 2014-15 Budget Request	\$1,526,231	\$223,593	\$1,749,824
FY 2015-16 Budget Request	\$6,345,551	\$438,256	\$6,783,807
Total Savings	\$7,871,782	\$661,849	\$8,533,631

Application of Earned Time Savings

While the Department has calculated additional savings of \$6,783,807 for FY 2015-16, this number will be adjusted due to the annualization of earned time initiatives that were approved in the FY 2014-15 budget request. Some of the additional savings will go to the Education Personal Services appropriation to fully fund three new vocational education teachers (\$13,812), while one-time start-up costs in the Superintendents subprogram (\$4,350) become available for new earned time initiatives. The net result of these changes is a base increase of \$6,774,345 that is currently reflected in the Education Personal Services line in FY 2015-16. The Department is reviewing proposals for the additional savings and will provide detailed explanation of the planned utilization of the savings in a FY 2015-16 budget amendment request.