

OFFICE OF FISCAL ANALYSIS

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sHB-6594

AN ACT CONCERNING THE CRIMINAL JUSTICE PROCESS.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Attorney General	GF - Cost	163,800	169,533
State Comptroller - Fringe Benefits ¹	GF - Cost	67,649	70,017
Correction, Dept.; Judicial Dept. (Probation)	GF - See Below	See Below	See Below
Resources of the General Fund	GF - See Below	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes to criminal justice related statutes and results in the impact state below.

Section 8 is anticipated to result in costs to the Office of the Attorney General (OAG) of \$163,800 in FY 22 and \$169,533 in FY 23, and \$67,649 and \$70,017 respectively, for fringe benefits, associated with hiring an additional Assistant Attorney General and Paralegal to review and litigate the additional 200 - 300 new cases annually that fall under the bill's provisions. There are currently between 5,000 and 6,000 bond forfeitures annually, with 200-300 of cases litigated. In FY 19, the Chief State's Attorney Office (CSAO) collected on 350 forfeited bonds in the amount of \$1,110,975; in FY 18, CSAO collected on 322 forfeited bonds

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.3% of payroll in FY 22 and FY 23.

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in the amount of \$1,307,925.

Sections 10-12, 17, and 22 increases the penalties for various violations including vendor fraud, unlawful dissemination of an intimate image, electronic stalking, and failure to keep narcotics in the original container and results in potential revenue from fines and potential cost for incarceration and probation. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,200² while the average marginal cost for supervision in the community is less than \$700³ each year.

Sections 23, 25-27 reduce the penalties including for failure to pay or respond to infractions and reduces the scope of laws for illegal drug actives in drug free zones and results in potential revenue loss from fines and potential savings from reduced incarceration or probation.

Sections 1-7, 9, 13-21, 24, and 28 make various changes that do not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of violations.

² Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

³ Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.