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H.B. 667
136th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Passed by the House

Primary Sponsor: Rep. Abrams

Local Impact Statement Procedure Required: No

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Highlights

- State and local law enforcement agencies may expend minimal additional time and effort related to implementing the bill's warrant entry requirements.
- The Department of Rehabilitation and Correction (DRC) may experience an increase in low-level felony offenders sentenced to serve a prison term rather than being served locally as part of the Targeting Community Alternatives to Prison Program, or T-CAP. Any increase in prison population is expected to be absorbed utilizing existing staff and resources.
- DRC will likely incur increased contracting costs to select a vendor capable of providing the services mandated under the bill.

Detailed Analysis

The bill, to be known as the Reagan Tokes and Patrick Heringer Act, does the following: (1) expands the types of warrants that law enforcement is required to enter into the Law Enforcement Automated Data System (LEADS) and National Crime Information Center (NCIC), (2) modifies certain Targeting Community Alternatives to Prison (T-CAP) eligibility requirements, and (3) requires the Department of Rehabilitation and Correction (DRC) to enter into a contract for Global Positioning System (GPS) monitoring of offenders released from prison.

Warrant requirements

The bill requires state and local law enforcement to enter warrants issued for certain offenders under community control or residential sanction who break or fail to return to detention into LEADS within 48 hours of receipt, as well as the appropriate NCIC database maintained by the FBI. The bill also requires the law enforcement agency requesting such a

warrant to notify the public safety answering point of the warrant within 48 hours of receipt. A public safety answering point is an entity responsible for receiving and processing requests for emergency services sent by dialing 9-1-1 within a specified territory.

Based on conversations with state and local law enforcement representatives, any additional time and effort required by law enforcement to implement the bill's warrant requirements is expected to be minimal.

Department of Rehabilitation and Correction

Targeting Community Alternatives to Prison (T-CAP)

The bill specifies the circumstances in which a person who is convicted of or pleads guilty to a fourth or fifth degree felony is not eligible for the T-CAP Program. T-CAP is a voluntary grant program administered by DRC in which counties agree to supervise, treat, and sanction nonviolent, nonsex-related lower level felony (F4 and F5) offenders locally rather than in state prisons or local corrections agencies. Community-based sanctions range from supervision and electronic home monitoring to, when deemed necessary, local incarceration including placement in a Community-Based Corrections Facility. During the FY 2024-FY 2025 biennium, 63 counties participated in T-CAP and received funding.

Under current law, an offender in a T-CAP participating county is generally prohibited, barring certain exceptions, from serving a prison sentence for certain lower level felony (F4 and F5) offenses in an institution under DRC's control. The bill creates additional exceptions and further reduces T-CAP eligibility by excluding offenders who (1) have two or more prior nonviolent felony offense convictions, (2) were previously under a community control sanction for a nonviolent felony offense that was terminated because of revocation or unsuccessful completion, or (3) were under post-release control at the time of committing the offense. As a result, the bill may reduce to some degree the number of offenders who are ultimately diverted from prison to a qualifying T-CAP program. LBO presumes the magnitude of any reduction in T-CAP eligibility and resulting impact to the prison population is likely to be minimal in the context of the overall DRC population. Any increase in prison population is expected to be absorbed utilizing existing staff and resources.

The following table shows the possible terms of incarceration that may be imposed for a fourth or fifth degree felony.

Sentences and Fines for Low-Level Felony Offenses Generally

Offense Level	Fine	Term of Incarceration
Felony 4th degree	Up to $5,000	6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18 months definite prison term
Felony 5th degree	Up to $2,500	6, 7, 8, 9, 10, 11, or 12 months definite prison term

GPS monitoring

The bill requires DRC to contract with a single vendor to provide GPS monitoring for GPS-monitored offenders. According to DRC, the existing contract for such services generally complies with each of the bill's requirements with the exception that the existing system does

not include the location of recent criminal activity in or near an offender's inclusionary and exclusionary zones or possible connections between an offender's location and any recent criminal activity. The current system discloses an offender's location history, but those with access to the system (e.g., law enforcement) must manually cross-reference those locations to known criminal activity in an area as part of their investigation.

Among other requirements, the bill requires that a crime scene correlation program be included in the vendor's GPS to perform the actual monitoring of the offender. Local law enforcement representatives or their designees will be allowed, without need for a subpoena or warrant, real-time access or active GPS access to information contained in the program about a GPS-monitored offender's location at that time and, to the extent that is available, at other previous points in time identified by the representative or designee, about the location of recent criminal activity in or near the offender's inclusionary or exclusionary zones, and about any possible connection between the offender's location and that recent criminal activity. Such access must be made available 24 hours a day and seven days a week by the vendor.

It is uncertain if DRC's current vendor can accommodate the additional system requirements. Contracting costs will depend on the scope of service and the state's procurement process (i.e., contract bidding). Presumably any contract modifications, if the current vendor is retained, would likely be higher than the current contract.

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