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**FISCAL IMPACT REPORT**

SPONSOR:	Maes	DATE TYPED:	01/28/00	HB	
SHORT TITLE:	Require GED for Inmates Before Release			SB	199
				ANALYST:	Trujillo

**APPROPRIATION**

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY00	FY01	FY00	FY01		
	\$ 3,000.0		\$ 3,000.0	Recurring	GF

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to See Narrative

**SOURCES OF INFORMATION**

LFC Files

Corrections Department

Children Youth and Families Department

Did not receive responses from:

Commission on Higher Education

State Department of Education

Adult Parole Board

Association of Counties

Municipal League

## **SUMMARY**

### Synopsis of Bill

SB 199 requires inmates to have a General Equivalency Diploma (GED) or high school diploma prior to release from a correctional facility. The bill appropriates \$3,000.0 to the Corrections Department (CD) in FY 2001 to contract for educational services for inmates in correctional facilities.

### Significant Issues

SB199 requires that inmates not be released without a degree. However, it does not describe how the CD would deal with inmates who either refuse to do the necessary studying or are unable to accomplish the work prior to the completion of their sentence. There is no guarantee that inmates, even with the necessary educational assistance, will actually earn diplomas. The bill seems to conflict with the Sentencing of Offenders Act, which essentially requires the release of offenders on parole or their complete discharge upon completion of a specified time period contained in the Judgment and Sentence.

CD reports 50% of the inmates in the facilities already have a GED or high school diploma. Of the remaining number, 20% may never pass the GED because of low functioning/low IQ; substance abuse, inhalant abuse, drug abuse, alcohol abuse; and traumatic brain injury. This bill would be therefore target the remaining 30%. Every facility already offers GED classes for up to 12 hours a day.

### **FISCAL IMPLICATIONS**

This bill appropriates \$3,000.0 in general fund. CD reports the appropriation should be adequate to meet the new demands.

### **ADMINISTRATIVE IMPLICATIONS**

CD reports the education staff might be increased.

### **CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP**

According to CD, SB 199 conflicts with the Inmate Literacy Act, which exempts certain inmates, including those with short sentences, from its provisions.

SB 199 the bill also conflicts with the Sentencing of Offenders Act , which requires release after completing a specified time period contained in the Judgment and Sentence.

### **TECHNICAL ISSUES**

CD reports SB199 may not be germane.

## **OTHER SUBSTANTIVE ISSUES**

According to CD, holding inmates past their sentence because they had not earned a diploma would be illegal under present laws.

CD suggests providing incentives for earning a diploma but not requiring CD to continue to incarcerate inmates who fail to earn a diploma.

LAT/gm