

December 23, 2009

Honorable Michael Paymar, Chair
House Public Safety Finance Division Committee

Honorable Linda Higgins, Chair
Senate Public Safety Budget Division

Honorable Debra Hilstrom, Chair
House Public Safety Policy & Oversight Committee

Honorable Mee Moua, Chair
Senate Judiciary Committee

Dear Committee Chairs:

The 1999 Legislature authorized the Department of Corrections (DOC) to collect supervision fees from offenders on probation and supervised release pursuant to M.S. §241.272 and directed the department to report annually on fees imposed and collected. According to this statute, the purpose of this fee is to help offset costs related to correctional services. The 2001 Legislature amended M.S. §241.272 at the DOC's request to allow supervision fees collected by DOC contract agents to be kept by the county and the fees collected by state agents deposited to the General Fund. This only has an impact on misdemeanor cases supervised by contract agents.

This report contains a 12-month cycle of imposing and collecting the fees and provides the following information requested in the statute: types of correctional services for which fees were charged, aggregate amount of fees imposed, and aggregate amount of fees collected.

Types of correctional services for which fees were charged

- Probation – in FY2009, the DOC began collecting a one-time fee. The fees are assessed per court file in the amount of \$300 for each felony, \$200 for each gross misdemeanor, and \$100 for each misdemeanor.
- Supervised release and parole – assessed upon the offender's release from prison, if not previously imposed for that offense.
- Special supervised release, which includes Intensive Supervised Release (ISR), Challenge Incarceration Program Phases II and III (CIP), and Conditional Release Program (CRP) – assessed upon the offender's release to the community, if not previously imposed for that offense.



Aggregate amount of fees imposed and collected

In order to create consistency with other correctional agencies in the state, the DOC began collecting a one-time fee in FY2009. This change also makes bookkeeping and collection of fees more efficient.

The following table illustrates the amount of supervision fees imposed and payments made during FY2008 and FY2009. It is important to note that the fees imposed during any given year could be paid in a subsequent year as offenders are allowed up to one year to pay the fee. Therefore, a significant amount of fees imposed during one calendar year will be collected during the next calendar year.

When legislation was passed allowing collection of supervision fees, it was projected that \$720,000 would be collected each fiscal year after the first year of implementation. The initial projections assumed a 50 percent compliance rate with 12,000 adult offenders under active department supervision. This past fiscal year's fees were imposed on 14,165 offenders. The 50 percent compliance rate has been exceeded, but the original projection of 12,000 adult offenders did not take into consideration waivers or offenders not under active supervision (see Table 2).

It remains difficult to project the compliance rate and number of offenders. If the department's experiences continue, the compliance rate and overall dollars collected can be expected to increase over time.

Table 1: Supervision Fees Imposed and Collected for FY2008 and FY2009

<i>Release Type</i>	<i>2008 Fees Imposed</i>	<i>2009 Fees Imposed</i>
CIP	\$ 32,220	\$ 48,960
ISR	39,010	64,685
CRP	890	--
Probation	1,641,650	2,441,354
Supervised Release	146,220	479,495
Total	\$1,859,990	\$3,034,494
<i>Release Type</i>	<i>2008 Fees Collected</i>	<i>2009 Fees Collected</i>
CIP	\$ 16,329	\$ 21,039
ISR	11,496	11,310
CRP	300	120
Probation	910,774	1,010,606
Supervised Release	59,633	68,533
Total	\$ 998,532	\$ 1,111,608
Disbursement 2009		
General Fund \$950,486 County \$161,122		

In FY2009, the DOC made several changes to supervision fee waivers. For offenders who have been revoked and committed, fees now go to revenue recapture. Disability/unemployable, extenuating circumstances, significant restitution, and treatment costs are no longer reasons for waiver. However, offenders may complete community work service in lieu of the fee.

Table 2 illustrates the reasons for waiver, along with the rate of each waiver to the number of fees imposed. During this past year, 14,165 fees were imposed with 414 waived. This is a waiver rate of 3 percent.

Table 2: Supervision Fee Waivers by Release Type

<i>Waiver Type</i>	<i>Special Supervision (ISR/CIP/CRP)</i>	<i>Probation</i>	<i>Supervised Released</i>	<i>Total Number of Waivers</i>	<i>Waiver Rates</i>
Death	0	38	6	44	.3%
Under \$25 – No Revenue Recapture	4	25	8	37	.3%
Work Service	2	307	24	333	2.4%
Total Waivers	6	370	38	414	3.0%

Please contact me if you have questions regarding this report.

Sincerely,

/s/

Joan Fabian
Commissioner

- c: Honorable Bill Ingebrigtsen
- Honorable Paul Kohls
- Honorable Bruce Anderson
- Honorable Warren Limmer
- Legislative Reference Library
- State Law Library
- Minnesota Historical Society

The total cost of salaries, printing, and supplies incurred in development and preparation of this report was \$1,850 (reported as required by M.S. 3.197).