AMERICAN LEGISLATIVE EXCHANGE COUNCIL ALEC

Exposed By the Center for Media and Democracy www.prwatch.org

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. DO YOU?

## ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda–underwritten by global corporations–includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

## ALEC's Corporate Board

### --in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

*For more on these corporations, search at www.SourceWatch.org.*

& MEETINGS

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# Community Corrections Performance Incentive Act

Did you know the NRA--the National Rifle Association--was the corporate co-chair in 2011?


***Summary***

The provisions of this act are intended to reduce crimes committed by probationers and the number of probationers revoked to prison by giving probation departments a share of the savings to the state in reduced incarceration costs when they reduce both new offenses by probationers and revocations to prison.


***Legislation***

**Section 1. {Intent.}** The provisions of this act are intended to reduce crimes committed by probationers and the number of probationers revoked to prison by giving probation departments a share of the savings to the state in reduced incarceration costs when they reduce both new offenses by probationers and revocations to prison. By linking funding to performance, this legislation creates a positive incentive for probation departments to improve their supervision practices to enhance public safety and reduce costs to taxpayers.

**Section 2. {Definitions}**

(A) "Evidence-based practices" means supervision policies, procedures, programs and practices that scientific research demonstrates reduce recidivism among people on probation, parole, or post-release supervision.

(B) "Supervised individual" means an individual placed on probation by a court or serving a period of parole or post-release supervision from prison or jail.

(C) "Conditions of supervision" means conditions of probation, parole or other form of post-prison supervision.

**Section 3. {Calculation of State Prison Savings}**

(A) The [state oversight agency] shall annually calculate:

(1) The percentage of supervised individuals who are revoked for violations of their conditions of supervision and ordered to serve a term of imprisonment in the state [Department of Corrections]. This calculation shall be based on the fiscal year prior to the fiscal year in which the report is required pursuant to Section 5 of this title. The baseline revocation rate shall be the revocation rate in fiscal year 2008.

(2) The percentage of supervised individuals who are convicted of a new felony offense and sentenced to a term of imprisonment in the state [Department of Corrections]. This calculation shall be based on the fiscal year prior to the fiscal year in which the report is required pursuant to Section 6 of this title. The baseline new offense conviction rate shall be the conviction rate in fiscal year 2009.

(3) Any state expenditures that have been avoided by reductions in the revocation rate as calculated in paragraph (1) of this section.

(4) Any state expenditures that have been avoided by reductions in the new felony offense conviction rate as calculated in paragraph (2) of this section. (5) The calculations in paragraph (1) of this section shall be made separately for supervised individuals under the supervision of probation agencies and under the supervision of parole or other post-prison supervision agencies, and shall be made separately by individual state and local agency.

**Section 4. {Performance Incentive Funding}**

(A) Beginning in fiscal year 2011, the legislature shall annually appropriate up to 45 percent of any state expenditures that are avoided as calculated in Section 3 of this title. Such averted expenditures shall be appropriated to the [state or local agency or agencies] responsible for those savings.

(B) The appropriations in paragraph (A) of this section are subject to the following provisions:

(1) None of the calculated savings shall be appropriated annually to the [state or local agency or agencies] if there is an increase in the percentage of individuals supervised by [that agency or agencies] who are convicted of a new felony offense as calculated in Section 3 paragraph (A)(2) of this title.

(2) Of the state expenditures that have been avoided by a reduction in the revocation rate, as calculated in Section 3 paragraph (A)(1) of this title: (i) [Thirty] percent of the total savings shall be appropriated to the [state or local agency or agencies]; (ii) An additional [five] percent of the total savings shall be appropriated to the [state or local agency or agencies] if there is an increase in the percentage of people who are supervised by [that agency] and who are employed in a full-time job or employed part time for at least 25 hours per week, provided that the [agency] has submitted data to the [state oversight agency] showing such increases, and the [state oversight agency] includes this information in the report required pursuant to Section 6 of this title; (iii) An additional [five] percent of the total savings shall be appropriated to the [state or local agency or agencies] if there is an increase in the percentage of people who are supervised by [that agency or agencies] who are current in their payments of victim restitution, provided that the [agency] has submitted data to the [state oversight agency] showing such increases and the [state oversight agency] includes this information in the report required pursuant to Section 6 of this title; (iv) An additional [five] percent of the total savings shall be appropriated to the [state or local agency or agencies] if there is a decrease in the percentage of people who are supervised by that [agency or agencies] and who test positive for controlled substances, provided that the [agency] has submitted data to the [state oversight agency] showing such decreases and the [state oversight agency] includes this information in the report required pursuant to Section 6 of this title.

(3) Of the state expenditures that have been avoided by a reduction in the new felony offense conviction rate as calculated in Section 3 paragraph (A)(2) of this section: (i) Thirty percent of the total savings shall be appropriated to the state or local agency or agencies; (ii) An additional five percent of the total savings shall be appropriated to the [state or local agency or agencies] if there is an increase in the percentage of people who are supervised by [that agency or agencies] and who are employed in a full-time job or employed part time for at least 25 hours per week, provided that the agency has submitted data to the [state oversight agency] showing such increases, and the [state oversight agency] includes this information in the report required pursuant to Section 6 of this title; (iii) An additional five per cent of the total savings shall be appropriated to the [state or local agency or agencies] if there is an increase in the percentage of people who are supervised by that [agency or agencies] who are current in their payments of victim restitution, provided that the [agency] has submitted data to the [state oversight agency] showing such increases and the [state oversight agency] includes this information in the report required pursuant to Section 6 of this title; (iv) An additional five percent of the total savings shall be appropriated to the [state or local agency or agencies] if there is a decrease in the percentage of people who are supervised by [that agency or agencies] and who test positive for controlled substances.

(4) The monies appropriated pursuant to this title shall be used to supplement, not supplant, any other state or county appropriations for probation, parole or other post-prison supervision services.

**Section 5. {Use of Funds}**

(A) Monies received through appropriations pursuant to this title shall be used for the

following purposes:

(1) Implementation of evidence-based practices;

(2) Increasing the availability of risk reduction programs and interventions, including substance abuse treatment programs, for supervised individuals;

(3) Grants to nonprofit victim services organizations to partner with the community corrections agencies and courts to assist victims and increase the amount of restitution collected from probationers.

**Section 6. {Reports}**

(A) On or before [October 1] of each year, beginning in 2011, the judicial branch, [units of local government] and the state [Department of Corrections] shall jointly report to the [state oversight agency] the data necessary for the [state oversight agency] to perform the calculations required by Section 3 of this title. The report shall provide separate figures for probation and parole or other form of post-prison supervision and include for the prior fiscal year:

(1) The number of supervised individuals, by agency;

(2) The number and percentage of supervised individuals, by agency, who were revoked for violations of their conditions of supervision and ordered to serve a term of imprisonment in the state [Department of Corrections]; and

(3) The number and percentage of supervised individuals, by agency, who were convicted of a new felony offense and sentenced to a term of imprisonment in the state [Department of Corrections].

(B) On or before [December 1] of each year, beginning in 2011, the [state oversight agency] shall report each year on the implementation of this title to the president of the senate, the speaker of the house of representatives, the chief justice, and the governor. The report shall include the calculations made pursuant to this Section 3 of this title and the resulting performance incentive funding, if any, to be appropriated.

(C) The [state oversight agency] shall make its full report and an executive summary available to the general public on its website.

*Adopted by the Public Safety and Elections Task Force at the Spring Task Force Meeting on April 28, 2010.*

*Approved by the ALEC Board of Directors on June 3, 2010.*