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**Bill number:** 240817

**Resolution numbers:** 240834-A, as amended by 250018

**Introduced by:** Thomas

**Cosponsor(s):** Johnson, Phillips, Gauthier, Jones, Landau, Lozada, Young, Brooks, Harrity, O'Rourke, Driscoll, O'Neill, Squilla, Ahmad, Bass

**Assigned committee:** Law and Government

**Date introduced:** 09/26/2024

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## Fiscal Note

### Overview

The bill and resolutions would propose changes to the Philadelphia Home Rule Charter. It is anticipated that there would be a total cost of \$6.79 million to the City's General Fund in the next five years.

### Legislative Summary

The bill would add a question to the May 20, 2025 primary election ballot. Qualified electors in the election may answer Yes or No to the following question:

*Shall The Philadelphia Home Rule Charter be amended to provide for the creation of an independent Philadelphia Prison Community Oversight Board, and to authorize City Council to determine the composition, powers and duties of the Board?*

The proposed Charter amendment would replace the Board of Trustees of Philadelphia Prisons with a Philadelphia Prison Community Oversight Board (Board). The Board would be composed of nine members, four of whom would be appointed by the Mayor and five of whom would be appointed by the President of City Council. The Board would have the power to provide advice and recommendations related to the administration of correctional facilities in Philadelphia. Board members would be required to reside in Philadelphia and would be prohibited from working for the Prisons Department, Sheriff's Office, or Police Department in Philadelphia or any other jurisdiction before or during their board service. At least one Board member would be required to have lived experience as an incarcerated person.

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The Charter change proposal would also create the Office of Prison Oversight within the Office of the Chief Public Safety Director. Among other powers, this office would have the power to review, investigate, and provide recommendations regarding the conduct, policies and practices of the Department of Prisons.

The Charter amendment would require that an amount at least equal to 0.45% of all appropriations for the Department of Prisons be appropriated to the Office of Prison Oversight each year in the City's budget.

Under the proposal, Council would be authorized to establish additional requirements related to the Board and Office of Prison Oversight by ordinance, including the powers and duties of both entities and Board member qualifications and compensation.

### **Proposed Effective Date**

The charter amendment would take effect upon certification of the election at which the amendments were approved.

### **Fiscal Impact Analysis**

This bill would require an amount at least equal to 0.45% of all appropriations for the Department of Prisons to be appropriated for the Office of Prison Oversight.

The table below describes the estimated Department of Prisons budget as described in the FY2025-FY2029 Five Year Financial Plan approved by the Pennsylvania Intergovernmental Cooperation Authority in July 2025:

<b>FY 2025 Budget</b>	<b>FY 2026 Estimate</b>	<b>FY 2027 Estimate</b>	<b>FY 2028 Estimate</b>	<b>FY 2029 Estimate</b>
\$ 300,962,781	\$ 301,437,580	\$ 302,137,819	\$ 302,880,950	\$ 302,880,950

Using the above information, the table below calculates the estimated five-year fiscal impact of implementing this legislation with its minimum required appropriation:

<b>Fiscal Impact Summary</b>	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>	<b>FY29</b>	<b>Total</b>
<b>Expenditure Increase/(Decrease)</b>						
General Fund	\$1,354,333	\$1,356,469	\$1,359,620	\$1,362,964	\$1,362,964	<b>\$6,796,350</b>
<b>Net Cost/(Savings)</b>	<b>*\$1,354,333</b>	<b>*\$1,356,469</b>	<b>*\$1,359,620</b>	<b>*\$1,362,964</b>	<b>*\$1,362,964</b>	<b>*\$6,796,350</b>

\* Subject to change: Any additional funds added to the Department of Prisons' budget would increase the cost of this legislation. Changes to labor contracts that increase the Department's appropriations may also affect the amount appropriated to the Department.

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Overall, this legislation will increase the City's fixed costs and reduce its discretionary spending ability.

### **Legislative History**

#### **2022**

##### ***Bill 220635, Resolution 220642 - Lapsed***

In 2022, former Councilmember Gym introduced bill number 220635 and resolution number 220642. The bill would have placed a substantially similar question on the May 2023 election ballot. (The proposed entity was described as "an independent Prison Oversight Board" rather than "an independent Philadelphia Prison Community Oversight Board.") The prior legislation differed from the current Charter amendment in several respects, including that it would not have established an Office of Prison Oversight.

Council took no further action on bill number 220635 and resolution number 220642 after their introduction, causing the bill and resolution to lapse at the end of the previous legislative session.

#### **2024 to Present**

##### ***Bill 240817 – Recalled***

##### ***Resolution 240817-A – Amended by Resolution 250018***

After being introduced on September 26, 2024, bill number 240817 and resolution number 240834 (after being amended) were passed by Council on December 19, 2024.

Councilmember Thomas introduced resolutions 250017 and 250018 (both were adopted by Council) to recall the bill and amend 240817-A to make a technical change to the resolution.

**Prepared by:** Policy and Fiscal Analyst Unit, Mayor's Office of Legislative Affairs

**Date:** 02/20/2024

This document is a summary of proposed legislation as introduced and is prepared by the Mayor's Office of Legislative Affairs for general information only. It does not represent the official legal position of the City. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.