

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 45** HLS 17RS 377
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 1, 2017 6:51 PM	Author: MACK
Dept./Agy.: Corrections	Analyst: Monique Appeaning
Subject: Sentencing and Parole of Certain Juveniles	

JUVENILES OR INCREASE GF EX See Note Page 1 of 2

Provides relative to sentencing and parole of certain juvenile offenders sentenced to life imprisonment and terms of imprisonment of more than thirty years

Proposed law amends and reenacts R.S. 15:574.4(D)(1)(introductory paragraph) and (E)(1)(a) and Code of Criminal Procedure Article 878.1, relative to juvenile parole eligibility and sentencing. It provides for certain parole eligibility for juveniles convicted and sentenced to life imprisonment without the possibility of parole, for parole eligibility for certain juveniles sentenced to a term of imprisonment of more than thirty years, certain conditions, specific judicial determinations of parole eligibility for certain juvenile offenders, for the parole eligibility hearing for juvenile offenders convicted of first degree murder or second degree murder, for certain applicability and related matters.

EXPENDITURES	2017-18	2018-19	2019-20	2020-21	2021-22	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						

REVENUES	2017-18	2018-19	2019-20	2020-21	2021-22	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	SEE BELOW					
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						

EXPENDITURE EXPLANATION

Proposed law is likely to result in an indeterminable short-term, but potentially significant, net increase in SGF expenditures between FYs 18 and 20 associated with conducting parole eligibility hearings for certain offenders sentenced to life without parole as a juvenile. Starting in FY 21 and beyond, proposed law will potentially result in a decrease in recurring SGF expenditures to the extent that relevant offenders may be granted parole after successfully acquiring eligibility.

Proposed law will result in an indeterminable, but potentially significant, increase in SGF expenditures for the Louisiana Public Defenders Board (LPDB) for expert witnesses (investigations, mitigation specialists and other experts) in every case for which the state elects to seek a life without parole sentence assuming a hearing to determine parole eligibility for certain juvenile offenders was granted. For illustrative purposes, the LPDB estimates the median costs is \$100,000 for experts in cases in which a life without parole sentence is sought. Assuming 10% of an estimated 300 potential cases moved forward, the cost for expert witnesses would be approximately \$3,000,000 (30 cases x \$100,000 per case = \$3,000,000). The LFO assumes these expenditures would occur during FYs 18 through 20 given the provision in proposed law that failure to petition the court for a hearing prior to August, 1, 2019, will result in the district attorney's concession that the offender is entitled to parole eligibility.

Proposed law will likely result in an indeterminable decrease in expenditures for the district attorneys statewide and the courts as a result of permitting parole eligibility for certain juvenile offenders sentenced to life imprisonment for first or second degree murder whose conviction became final prior to the U.S. Supreme Court's decision in Miller vs Alabama case after serving 30 years (instead of the present 35 years) and a judicial determination was made that the person is entitled to parole eligibility pursuant to proposed law and certain other conditions are met. Potential savings will arise to the degree that district attorneys stipulate to parole eligibility in some cases rather than petition the court to hold a parole eligibility hearing.

Proposed law will likely result in an indeterminable decrease in expenditures for the district attorneys statewide and the courts as a result of permitting parole eligibility for certain juvenile offenders sentenced to life imprisonment for first or second degree murder whose conviction became final prior to the U.S. Supreme Court's decision on June 25, 2012, in the Miller vs Alabama case after serving 30 years (instead of the present 35 years) and a judicial determination was made that the person is entitled to parole eligibility pursuant to proposed law and certain other conditions are met. (CONTINUED ON PAGE 2)

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in self-generated revenue as a result of offenders becoming parole eligible earlier, thus being released into parole supervision. For each offender that is released to parole at an earlier date, the DPSC - Correction Services could collect up to \$63 per month from each offender under parole supervision. It should be noted that the maximum amount paid per month is \$63 and the offender's ability and amount is required to pay is determined by the Board of Parole.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
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Staff Director

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CONTINUED EXPLANATION from page one:

(EXPENDITURE EXPLANATION CONTINUED FROM PAGE 1)

Proposed law may result in an indeterminable decrease in SGF expenditures in the Department of Public Safety and Corrections - Correction Services if the parole eligibility guidelines change for certain offenders who were sentenced to life imprisonment for a conviction of first degree murder (La R.S. 14:30) or second degree murder (La R.S. 14:30(1)) who were under the age of 18 years at the time of the commission of the offense. The legislation allows certain offenders to become parole eligible earlier and it is not known how many offenders will be granted parole. However, any offender released from a correctional facility and placed on parole supervision decreases expenditures of the Department of Public Safety and Corrections (DPSC) - Correction Services.

The Department of Public Safety and Corrections - Correction Services reports the following:

For offenders who were convicted of a non-homicidal crime and were sentenced to life imprisonment, proposed law retains present law but provides parole eligibility for these offenders after they have served 30 years. Currently, there are **53 offenders** who were sentenced to life imprisonment for a non-homicidal crime. If these offenders were to be released after serving 30 years, the savings are \$21.76 (\$24.39 per day - \$2.63 parole supervision per day) per day or \$7,942.40 annually per offender in local facilities. To the extent that offenders are released from state facilities, the decrease per day per offender is \$49.27 (\$51.90 per day - \$2.63 parole supervision per day) or \$17,983.55 annually. Currently, the (DPSC) - Correction Services houses 50% of state offenders at the local level and 50% at the state level.

Currently there are **265 offenders** who were convicted of 1st or 2nd degree murder and who were sentenced to life imprisonment prior to the U.S. Supreme Court's decision in *Miller vs Alabama* case or prior to June 25, 2012. Of these, 70 have served over 30 years and would now be eligible for parole (assuming these offenders were given parole eligibility per proposed law). For each of the offenders who were actually granted parole, the state could save \$21.76 (\$24.39 per day - \$2.63 parole supervision per day) per day or \$7,942.40 annually per offender in local facilities. To the extent that offenders are released from state facilities, the decrease per day per offender is \$49.27 (\$51.90 per day - \$2.63 parole supervision per day) or \$17,983.55 annually. Currently, the (DPSC) - Correction Services houses 50% of state offenders at the local level and 50% at the state level.

Currently there are **31 offenders** who were convicted of 1st degree or 2nd degree murder and who were sentenced to life imprisonment after the U.S. Supreme Court decision in *Miller vs Alabama* case or after June 25, 2012. For each of the offenders granted parole that would be released in 30 years as opposed to 35 years, the state could save \$21.76 (\$24.39 per day - \$2.63 parole supervision per day) per day or \$7,942.40 annually per offender in local facilities. To the extent that offenders are released from state facilities, the decrease per day per offender is \$49.27 (\$51.90 per day - \$2.63 parole supervision per day) or \$17,983.55 annually. Currently, the (DPSC) - Correction Services houses 50% of state offenders at the local level and 50% at the state level.

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