

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 205** HLS 17RS 585  
 Bill Text Version: **ENGROSSED**  
 Opp. Chamb. Action: **w/ HSE FLOOR AMD**  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> May 11, 2017 7:19 AM	<b>Author:</b> BOUIE AND SMITH
<b>Dept./Agy.:</b> Corrections - Pardon Board	<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Applying for a pardon or commutation of sentence	

PARDON/PAROLE EGF SEE FISC NOTE GF EX See Note Page 1 of 1

Provides relative to the length of time certain applicants are required to wait before applying for a pardon or commutation of sentence

Proposed law amends and reenacts R.S. 15:572.4(D), relative to pardons and time periods in which persons serving a life sentence may apply for a pardon or commutation of sentence. It also reduces the length of time an applicant is required to wait before filing a subsequent application after a denial and provides for related matters.

Present law provides that persons sentenced to life imprisonment are ineligible to apply to the Board of Pardons for a pardon or commutation of sentence for 15 years after being sentenced by the trial court. Proposed law amends present law to provide that a person is ineligible to apply for a pardon or commutation of sentence for 15 years after arrest. Present law provides that if the initial application is denied, the applicant may file a new application to the board no earlier than five years from the date of action of the board and that any subsequent applications cannot be filed earlier than five years from the preceding action by the board. Proposed law reduces these periods of time from five to three years.

EXPENDITURES	2017-18	2018-19	2019-20	2020-21	2021-22	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	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	\$0	\$0	\$0	\$0	\$0	\$0
<b>Annual Total</b>						

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.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
<b>Annual Total</b>	\$0	\$0	\$0	\$0	\$0	\$0

**EXPENDITURE EXPLANATION**

Proposed law will potentially result in a SGF cost savings for the Department of Public Safety and Corrections to the degree that certain offenders may become eligible and attain a pardon or commutation of sentence in less time than possible under present law.

Proposed law amends present law that provides a person is ineligible to apply for a pardon or commutation of sentence for 15 years is changed from "after being sentenced by the trial court" to "after arrest". Proposed law also amends present law that if the initial application is denied, the applicant may file a new application to the board no earlier than three years from the date of action of the board (reduced from five years). Proposed law also provides that any subsequent applications cannot be filed earlier than three years from the preceding action by the board (reduced from five years).

The Department of Public Safety and Corrections - Corrections Services (DPSC) reports that this legislation would possibly result in a cost savings, as it reduces the length of time an applicant serving a life sentence is required to wait before filing for a pardon or communication of sentence. Proposed law may assist to help lifers to apply and possibly receive pardons or commutation of sentences earlier than before and may help reduce the prison population. In this instance, the exact fiscal impact is indeterminable since it is not known how many offenders will be granted pardon or commutation of sentence, even if eligible, as a result of the proposed changes. However, if an offender is pardoned, a savings of \$24.39 per day in a local facility or \$51.90 per day in a state facility will be realized. Currently, DPSC houses 50% of state offenders at the local level and 50% at the state level. Also, in the event there is a material workload increase for the pardon board, there may be a need for additional staff.

The Department of Public Safety and Corrections - Corrections Services reports that 440 current offenders would become eligible to apply for pardon or commutation of sentence as a result of proposed law.

Note: Per the *Louisiana State Constitution Article IV.5(E)(1)* - The governor may grant reprieves to persons convicted of offenses against the state and, upon favorable recommendation of the Board of Pardons, may commute sentences, pardon those convicted of offenses against the state, and remit fines and forfeitures imposed for such offenses.

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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*  
**Evan Brasseaux**  
**Staff Director**