

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 223** SLS 14RS 617
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.: **REVISED**

Date: April 1, 2014	10:03 AM	Author: MURRAY
Dept./Agy.: Corrections		Analyst: Stephanie C. Blanchard
Subject: Louisiana Risk Review Panel		

CRIMINAL PROCEDURE OR INCREASE GF EX See Note Page 1 of 1
 Creates the Louisiana Risk Review Panel. (gov sig)

Proposed law creates the Louisiana Risk Review Panel within the Department of Public Safety and Corrections. The secretary of the department may create not more than three risk review panels. Each panel shall consist of five members. Members, other than the secretary or his designee, the warden or deputy warden, or psychologists who are employees of the department, may receive a per diem for each day spent in actual attendance of meetings of the panel. The amount of the per diem shall be fixed by the secretary in an amount not to exceed forty dollars per hour. Members may also receive a mileage allowance for mileage traveled in attending meetings. The mileage allowance shall be fixed by the panel in an amount not to exceed the mileage rate of state employees. The panels are to review reports, prison records, medical and psychological records, information provided by various parties. The panel is to evaluate the risk of danger to society that each person who has been convicted of a crime, and who is confined in prison facility of any kind, may present if released from confinement. Provides that the panel may recommend the person be considered for clemency by the Board of Pardons or may be considered for parole by the committee on parole. Further provides that the panel may also recommend to the appropriate board or committee such conditions for clemency or parole as it may deem advisable. Effective upon signature of the governor.

EXPENDITURES	2014-15	2015-16	2016-17	2017-18	2018-19	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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	2014-15	2015-16	2016-17	2017-18	2018-19	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed legislation will result in an indeterminable increase in state general fund expenditures by the Department of Public Safety and Corrections (DOC). The proposed legislation creates the Louisiana Risk Review Panel and allows the secretary of the department to create not more than three risk review panels, each consisting of five members. According to DOC, the proposed legislation would require 4 additional positions (1 Executive Management Officer and 3 Executive Staff Officers) at a total cost of \$317,598. Cost estimates include travel and per diem for panel member participation, copying, printing, and other miscellaneous supplies associated with preparing the panel activity. The amount of the per diem shall be fixed by the secretary in an amount not to exceed \$40 per hour. Members may also receive a mileage allowance for mileage traveled in attending meetings at a cost of \$0.56 per mile.

The panel reviews presentence reports, prison records, and other relevant information to evaluate the risk to society an eligible offender may present if released from confinement. If the panel determines that an offender is not likely to present a risk of danger to society, then the panel may recommend that the person be considered for clemency by the Board of Pardons or may recommend that the person be considered for parole by the Board of Parole.

The Louisiana Risk Review Panel was established by Act 403 of the 2001 Regular Legislative Session. Act 403 repealed mandatory sentencing provisions of certain nonviolent crimes by eliminating the prohibition on probation, parole, and suspension of sentence. Due to the cost analysis of the Risk Review Panel to the DOC, the operations were abolished August 1, 2012.

Act 405 of the 2006 Regular Legislative Session provided retroactivity of the more lenient penalties provided in Act 403. 18,662 applications were received and processed between June 15, 2001 and December 31, 2003. 5,998 applications were received and processed between January 1, 2004 and December 31, 2007. 3,967 applications were received and processed between January 1, 2008 and December 31, 2010. Risk Review Panel activity data may indicate that the legislative intent of Act 403 has been accomplished. The department conducted a data inquiry of the current DOC offender population in state and local jails to determine how many are technically eligible for Risk Review consideration. The study revealed 12,274 offenders are statutorily eligible for such consideration, and of those, 12,185 are ineligible due to institutional disciplinary reasons such as less than 365 days left to serve, outstanding detainers, violent offender, habitual offender. This left only 89 who are technically eligible for Risk Review consideration. Currently, according to DOC there are approximately 12,500 of the offender population that would be eligible to apply for the Risk Review if it was reinstated. Of these offenders who are eligible, there would be some exclusions due to various factors such as conduct, mental and health issues, and revocation history.

REVENUE EXPLANATION

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

Senate	<u>Dual Referral Rules</u>	House	<input checked="" type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}	<i>Evan Brasseaux</i> Evan Brasseaux Staff Director
<input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}		<input type="checkbox"/> 6.8(F)(2) >= \$500,000 State Rev. Reduc. {H & S}		
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}		