

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 479** HLS 21RS 1003

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 3, 2021	5:34 PM	Author: VILLIO
Dept./Agy.: Corrections		Analyst: Rebecca Robinson
Subject: Diminution of sentence and parole eligibility		

CRIMINAL/SENTENCING

OR SEE FISC NOTE GF EX

Page 1 of 2

Provides with respect to diminution of sentence and parole eligibility

Proposed law provides that every prisoner in a parish prison convicted of an offense and sentenced to imprisonment without hard labor, including those convicted of a crime of violence, may earn a diminution of sentence known as "good time" at the rate of 30 days for every 30 days in actual custody. Proposed law provides that every offender in the custody of the Department of Public Safety & Corrections (DPS&C) who has been convicted of a felony and sentenced to imprisonment for a stated number of years or months, may earn "good time" at the rate of 3 days for every 17 days in actual custody. Proposed law allows those offenders convicted of a crime of violence under R.S. 14:2(B), those convicted of a sex offense under R.S. 15:541, and those under the habitual offender law under R.S. 15:529.1 to earn "good time" at the new rate. Proposed law shall apply only to offenders who commit an offense on or after August 1, 2021.

EXPENDITURES	2021-22	2022-23	2023-24	2024-25	2025-26	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2021-22	2022-23	2023-24	2024-25	2025-26	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	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

There will be an indeterminable impact to the SGF expenditures to the Department of Public Safety & Corrections - Corrections Services (DPS&C) as a result of the proposed law.

Present law provides for felony offenders to earn "good time" at the rate of 13 days for every 7 days in actual custody; thereby requiring offenders to serve 35% of their imposed sentence before being eligible for release. Proposed law provides for felony offenders to earn "good time" at the rate of 3 days for every 17 days in actual custody served on an imposed sentence; thereby requiring offenders to serve 85% of their imposed sentence before being released. Proposed law will result in offenders serving more time in the custody of DPS&C than they would under present law; thereby *increasing SGF expenditures*.

Present law provides for offenders convicted of a first offense crime of violence to earn "good time" at the rate of 1 day for every 3 days in actual custody; thereby requiring these offenders to serve 75% of their imposed sentence before being eligible for release. Proposed law provides for offenders convicted of a 1st offense crime of violence to earn "good time" at the new rate of 3 days for every 17 days in actual custody, or 85% of the sentence imposed. **[CONTINUED ON PAGE 2]**

REVENUE EXPLANATION

There will be an indeterminable decrease in self-generated revenue to the Department of Public Safety & Corrections - Probation & Parole (P&P) as a result of the proposed measure. The proposed law provides that offenders whose offense is committed on or after August 1, 2021 shall not be eligible for parole under Title 15 (Criminal Procedure), Chapter 5 (Reprieve, Pardon, and Parole), Part II (Parole); thereby removing the requirement of parolees to report to the Division of Parole and Probation upon release. Under proposed law, released offenders will not be required to report monthly, to pay supervision fees, or comply with other parole conditions as stipulated in Part II.

Senate

Dual Referral Rules

House

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Christopher A. Keaton
Legislative Fiscal Officer

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CONTINUED EXPLANATION from page one:

[CONTINUED EXPENDITURE EXPLANATION FROM PAGE 1]

Therefore, under proposed law those offenders convicted of a 1st offense crime of violence will remain in the custody of DPS&C longer than they would under present law; thereby *increasing SGF expenditures*.

Proposed law expands the number of offenders eligible to earn "good time" by including those convicted of a crime of violence, a sex offense, or under the habitual offender law. The expansion of offenders eligible to earn "good time" will result in certain offenders serving less time than they would under present law; thereby resulting in *decreasing SGF expenditures*.

Any offender sentenced to the custody of DPS&C increases SGF expenditures of \$26.39 per day per offender in adult local housing and \$67.36 per day per offender in a state facility. Any offender convicted of these crimes would cost DPS&C \$9,632 annually (\$26.39 per day per offender x 365 days) per offender in adult local housing and \$24,586 annually (\$67.36 per day per offender x 365 days) per offender in a state facility.

Note: As currently written, the proposed law does not allow an offender serving a sentence of life imprisonment for a conviction of first degree murder who was under the age of 18 at the time of the commission of the offense to be eligible for parole consideration.

There will be a *decrease in SGF expenditures* to DPS&C as a result of offenders no longer being required to report to the Division of Probation and Parole (P&P) upon their release from custody. Probation & Parole will likely need fewer probation/parole officers as a result of a reduction in the number of parolees supervised. For illustrative purposes, P&P currently has 2,683 parole cases (or 5% of total caseload) and 19,932 "good time" parole cases (or 41% of total caseload).

The **net fiscal impact of the proposed law is indeterminable** as it is unknown the amount of offenders that will be sentenced to imprisonment for a term of years on or after August 1, 2021. It is unknown the number of offenders who may serve a longer term of imprisonment, a lesser term of imprisonment, or no longer be required to report to P&P under the proposed law.

Senate

Dual Referral Rules

House

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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