



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 544** HLS 22RS 882
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 20, 2022	2:59 PM	Author: VILLIO
Dept./Agy.: Dept. of Corrections and Committee on Parole		
Subject: Diminution of sentence and parole eligibility		Analyst: Rebecca Robinson

CRIMINAL/SENTENCING EG INCREASE GF EX See Note Page 1 of 1
 Provides relative to diminution of sentence and parole eligibility for fourth or subsequent nonviolent felony offenses

Current law provides that a person shall be eligible for parole upon serving 25% of the sentence imposed; does not apply to a person whose instant offense is a crime of violence or a sex offense. Proposed law provides that present law also shall not apply to any person whose instant offense is a 4th or subsequent conviction of a nonviolent felony offense. Proposed law provides that a person whose instant offense is a 4th or subsequent conviction of a nonviolent felony shall be eligible for parole upon serving 65% of the sentence imposed.

Current law provides that a person convicted of a 4th or subsequent nonviolent felony may earn good time at a rate of 13 days for every 7 days served in actual custody. Proposed law changes that rate to one day for every two days served in actual custody.

EXPENDITURES	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>5 -YEAR TOTAL</u>
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	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
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 increase in SGF expenditures for the Department of Public Safety & Corrections - Corrections Services as a result of the proposed measure.

The proposed law changes the good time earning rate of a person convicted of a 4th or subsequent nonviolent felony from 13 days for every 7 days in custody (or 65%) to 1 day for every 2 days in custody (or 33%). These offenders will earn good time at a lower rate under the proposed law than under current law, resulting in more time spent in custody; thus, increasing the expenditures of DPS&C.

The proposed law also increases the amount of time an offender convicted of a 4th or subsequent nonviolent felony offense shall serve before being eligible for parole. Under current law, these offenders must serve 25% of the sentence imposed before being eligible for parole. Under proposed law, these offenders must serve 65% of the sentence imposed before being eligible for parole. As a result, these offenders will spend more time in custody; thus, increasing the expenditures of DPS&C.

The exact increase in expenditures is indeterminable, since it is unknown the number of persons who will be convicted and sentenced to imprisonment for a 4th or subsequent nonviolent felony. Any offender serving more time in the custody of DPS&C increases SGF expenditures of \$26.39 per day per offender in adult local housing and \$83.23 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 \$30,379 annually (\$83.23 per day per offender x 365 days) per offender in a state facility.

For illustrative purposes only, in 2021 there were 3,264 admissions for persons convicted of a 4th or subsequent nonviolent felony, with an average sentence length of 4.39 years. Under current law, these offenders would serve 25% of the sentence imposed, or 1.10 years; whereas, under proposed law, these offenders would serve 65% of the sentence imposed, or 2.9 years. In this scenario, the proposed law would result in these offenders serving an additional 1.8 years in actual custody before being eligible for parole.

REVENUE EXPLANATION

There will be an indeterminable decrease in self-generated revenue to DPS&C - Probation and Parole to the extent any offender remains in custody longer and is not released on parole under proposed law than under current law.

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
 Interim Deputy Fiscal Officer