LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 414** HLS 11RS 240
Bill Text Version: **ORIGINAL**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: May 16, 2011 8:27 AM
Author: LOPINTO
Dept./Agy.: Corrections
Subject: Diminution of Sentence
Analyst: Matthew LaBruyere

CRIMINAL/SENTENCING OR DECREASE GF EX See Note

Revises and consolidates statutes providing for the diminution of sentence

Proposed legislation amends present law regarding credit for prior custody to include as follows: a defendant shall receive credit only for time in actual custody once during any calendar month when consecutive sentences are imposed, no defendant shall receive credit for any time served prior to the commission of the crime, a defendant shall not receive credit for time served under home incarceration, and a defendant shall not receive overlapping jail credit, except in the instance of concurrent sentences and then only for time spent in jail on the instant felony. Proposed legislation provides that when a sheriff's post-sentence statement is required, the clerk of court include in the accompanying documents a copy of the Uniform Sentencing Commitment Order in the format authorized by the La. Supreme Court which include the name and address of those who participated in the sentencing trial. Proposed legislation amends the rate of good time from 35 days for 30 days served to 1.5 days for every one day in actual custody. Proposed legislation changes present law to provide for a maximum of 250 days and applies to those persons sentenced on or after Aug. 15, 2011.

EXPENDITURES	**2011-12**	**2012-13**	**2013-14**	**2014-15**	**2015-16**	**5 -YEAR TOTAL**
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
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**
Annual Total	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**

REVENUES	**2011-12**	**2012-13**	**2013-14**	**2014-15**	**2015-16**	**5 -YEAR TOTAL**
State Gen. Fd.	$0	$0	$0	$0	$0	**$0**
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	$0	$0	$0	$0	$0	**$0**
Federal Funds	$0	$0	$0	$0	$0	**$0**
Local Funds	$0	$0	$0	$0	$0	**$0**
Annual Total	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**

EXPENDITURE EXPLANATION

The proposed legislation may result in a decrease in state general fund expenditures since the amount of "good time" an offender earns while incarcerated would increase from 35 days for 30 days served to 45 days for 30 days served. The exact fiscal impact is indeterminable since it is not known how many defendants will be convicted and admitted to Department of Corrections custody and the imposed sentence length of the offender. A savings will be recognized by the state for each day an offender who earned good time and is released under parole supervision. The state will recognize a savings of $21.86 ($24.39 per day - $2.53 parole supervision per day) per offender per day in a local facility and $53.25 ($55.78 per day - 2.53 parole supervision per day) per offender per day in a state facility. Currently, the Department of Corrections houses 50% of state offenders at the local level and 50% at the state level.

Currently, an offender who earns "good time" while incarcerated, earns 35 days for 30 days served. To the extent an offender is sentenced to 65 days, an offender would serve 30 days before being released (65 day sentence = 30 days served + 35 days good time earned), which is a rate of 0.4615 for time served (30 days served / 65 day sentence = 0.4615). This proposed legislation provides that an offender that earns "good time" while incarcerated earns 45 days for 30 days served. To the extent an offender is sentenced to 75 days, an offender would serve 30 days before being released (75 day sentence = 30 days served + 45 days good time earned), which is a rate of 0.40 for time served (30 days served / 75 day sentence = 0.40).

According to the Department of Corrections there were a total of 13,340 offenders admitted for property, drug, and other crimes. The department indicated that on average 90% (12,007) of the admissions would be eligible for "good time". Of the 12,007 offenders admitted that would be eligible, there were 5,321 admissions for property crimes with an average imposed sentence of 54.4 months, 5,305 admissions for drug crimes with an average imposed sentence of 47.9 months, and 1,381 admissions for other crimes with an average imposed sentence of 50.8 months.

To the extent an offender, admitted for a property crime, would earn "good time" at the current rate, the offender would serve 25.1 months of the 54.4 month imposed sentence (54.4 months x 0.4615 rate). **(Continued on Page 2)**

REVENUE EXPLANATION

The proposed legislation may result in an increase in self-generated revenue. Each offender that is released on parole would be required to pay the monthly parole fee of $53, or $636 per year. Currently, Probation and Parole collects 50% of parole fees.

Senate Dual Referral Rules House

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

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

☐ 6.8(F)1 >= $500,000 Annual Fiscal Cost {S}
☐ 6.8(F)2 >= $100,000 Annual SGF 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:

Based on this legislation, the offender would serve 21.8 months (54.4 months x 0.40 rate), a difference of 3.3 months (25.1 months - 21.8 months). The reduction in time served could result in a savings of $2,164 per offender per sentence (3.3 months x 30 days x $21.86 per day).

To the extent an offender, admitted for a drug crime, would earn "good time" at the current rate, the offender would serve 22.1 months of the 47.9 month imposed sentence (47.9 months x 0.4615 rate). In this bill, the offender would serve 19.2 months (47.9 months x 0.40 rate), a difference of 2.9 months (22.1 months - 19.2 months). The reduction in time served could result in a savings of $1,902 per offender per sentence (2.9 months x 30 days x $21.86 per day).

To the extent an offender, admitted for an other crime, would earn "good time" at the current rate, the offender would serve 23.4 months of the 50.8 month imposed sentence (50.8 months x 0.4615 rate). In this bill, the offender would serve 20.3 months (50.8 months x 0.40 rate), a difference of 3.1 months (23.4 months - 20.3 months). The reduction in time served could result in a savings of $2,033 per offender per sentence (3.1 months x 30 days x $21.86 per day).

It should be noted that the savings indicated above are estimates and may be negated by back-filling beds and recidivism.

Senate Dual Referral Rules House

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☐ 13.5.2 >= $500,000 Annual Tax or Fee Change {S&H}
☐ 6.8(F)1 >= $500,000 Annual Fiscal Cost {S}
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☐ 6.8(G) >= $500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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