# LEGISLATIVE FISCAL OFFICE
## Fiscal Note

Fiscal Note On: **HB 416** HLS 11RS 237
Bill Text Version: **REENGROSSED**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

**Date:** June 10, 2011 8:36 AM
**Author:** LOPINTO
**Dept./Agy.:** Corrections
**Subject:** Parole Eligibility
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PAROLE RE SEE FISC NOTE GF EX 

Amends timing of parole eligibility for certain offenders

Present law provides that an offender, otherwise eligible for parole, convicted of a first felony offense shall be eligible for parole upon serving one-third of the imposed sentence. Upon conviction of a second felony offense, the offender shall be eligible for parole upon serving one-half of the sentence imposed. A person convicted of a third or subsequent offense is not eligible for parole.
Proposed legislation amends present law so that notwithstanding the provisions of present law, an offender, otherwise eligible for parole, convicted of a first felony offense shall be eligible for parole upon serving 25% of the sentence imposed. Upon a second felony conviction, the offender shall be eligible for parole upon serving 33.3% of the sentence imposed. A person convicted of a third or subsequent felony offense shall not be eligible for parole.
Proposed legislation also requires DOC to measure and document cost savings from implementation of proposed law. Further requires the La. Legislature to appropriate the savings realized by the provisions of proposed legislation to DOC for reimbursements for the costs of incarceration of offenders awaiting probation and parole revocation hearings, for other local corrections programs that reduce recidivism, for expanded treatment programs, and for expanded probation and parole services.

| **EXPENDITURES** | **2011-12** | **2012-13** | **2013-14** | **2014-15** | **2015-16** | **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** |
| **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 requires the Department of Corrections to document the cost savings regarding offenders released on parole. The savings recognized from the provisions of this bill will be appropriated by the Louisiana Legislature for programs to reduce recidivism, treatment programs, and probation and parole services. The proposed legislation could result in a decrease in state general fund expenditures since offenders would serve less of their imposed sentence if they become eligible and are released on parole supervision. The exact fiscal impact of this bill is indeterminable since it is not known how many defendants will be incarcerated for 1st and 2nd convictions and how long each offender's imposed sentence will be. However, for each day an offender is under parole supervision and not housed in a state or local facility, the state will recognize a savings of $21.86 ($24.39 per day - $2.53 parole supervision per day) per day in a local facility and $53.25 ($55.78 per day - $2.53 parole supervision per day) per day in a state facility. The savings recognized by the state for each year an offender is not housed in a local facility is $7,979 ($21.86 per day savings x 365 days) and $19,436 ($53.25 per day savings x 365 days) in a state facility. Currently, the Department of Corrections houses 50% of state offenders at the local level and 50% at the state level.

According to the Department of Corrections, in 2010 there were a total of 8,330 offenders admitted to DOC custody for 1st and 2nd convictions for crimes committed, except those involving violence, sex offenses, or offenders that are habitual offenders. For 1st convictions, 4,243 offenders were admitted with an average imposed sentence of 3.55 years and there were 4,087 offenders admitted for 2nd convictions with an average imposed sentence of 4.34 years.

In FY 10, the Parole Board conducted 2,278 parole hearings and granted 634 paroles, a parole granting rate of 28%. To the extent 28% of offenders admitted for each conviction are granted parole, 1,188 (4,243 1st conviction offenders x 28% parole granting) 1st conviction offenders would serve 25% of the imposed sentence and 1,144 (4,087 2nd conviction offenders x 28% parole granting) 2nd conviction offenders would serve 33.3% of the imposed sentence.

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

**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}

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