

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 77** HLS 21RS 409

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> June 4, 2021	3:40 PM	<b>Author:</b> MARINO
<b>Dept./Agy.:</b> Corrections		<b>Analyst:</b> Rebecca Robinson
<b>Subject:</b> Suspension or deferral of sentence and probation		

PROBATION EN DECREASE GF EX See Note Page 1 of 1  
Provides relative to the suspension or deferral of sentence and probation in felony cases

Proposed legislation allows persons convicted of a fourth and subsequent non-capital felony to receive a suspended sentence, in whole or in part, upon consent of the district attorney. Allows the court to suspend the sentence, in whole or part, of a person after a third or fourth conviction of operating a vehicle while intoxicated (OVI). In either situation, the defendant shall be placed on probation under the supervision of the Department of Public Safety & Corrections - Adult Probation & Parole (probation office) for not more than three years.

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

**EXPENDITURE EXPLANATION**

There may be a decrease in SGF expenditures to the Department of Public Safety & Corrections - Corrections Services (DPS&C) to the extent courts suspend offenders' sentences and offenders are placed on probation in lieu of incarceration. The fiscal impact is indeterminable; however, it is likely there will be less persons incarcerated with DPS&C as a result of the proposed legislation. A reduction in offenders incarcerated could save DPS&C \$22.98\* per day per offender and \$8,388 annually per offender (\$22.98 per day per offender x 365 days) for those in adult local housing; and \$63.95 per day per offender and \$23,342 annually per offender (\$63.95 per day per offender x 365 days) for those in a state facility.

**\*Note:** \$26.39 per offender per day - \$3.41 probation/parole daily supervision daily rate = \$22.98 (local housing)  
\$67.36 per offender per day - \$3.41 probation/parole daily supervision daily rate = \$63.95 (state facility)

For illustrative purposes, DPS&C reports there are 207 offenders incarcerated for a 3rd offense OVI; and 368 offenders incarcerated for 4th offense OVI. DPS&C was not able to supply the number of offenders incarcerated for a 5th or subsequent non-capital felony.

**REVENUE EXPLANATION**

There may be an indeterminable increase in self-generated revenue to the Department of Public Safety & Corrections - Adult Probation and Parole (probation) to the extent additional offenders are released on parole and/or probation. The probation department would realize an increase in fees paid by parolees and probationers. The exact fiscal impact is indeterminable because the number of offenders who may be released and the amount of monthly fees charged is unknown.

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}

*Alan M. Boxberger*

**Alan M. Boxberger**  
**Staff Director**