



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **SB 336** SLS 22RS 428
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 25, 2022	4:52 PM	Author: SMITH, G.
Dept./Agy.: Corrections		Analyst: Rebecca Robinson
Subject: Parole eligibility for juvenile offenders		

JUVENILES OR SEE FISC NOTE GF EX Page 1 of 1
 Provides for determination of parole eligibility for juveniles under certain circumstances. (8/1/22)

Proposed law amends the statute on parole eligibility. Repeals subsections (E), (F), and (G) concerning persons convicted of 1st or 2nd degree murder, who were under the age of 18 at the time of the commission of the offense. Proposed law combines all parole eligibility pertaining to persons serving a sentence of life imprisonment, who were under the age of 18 at the time of the commission of the offense, under subsection (D). Provides that a person shall be eligible for parole if a judicial determination has been made that a person is entitled to parole eligibility pursuant to the Code of Criminal Procedure Article 878.2 and certain conditions are met.

Proposed law repeals Code of Criminal Procedure Article 878.1 and enacts Article 878.2 concerning the hearing to determine parole eligibility for certain juvenile offenders.

EXPENDITURES	2022-23	2023-24	2024-25	2025-26	2026-27	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	2022-23	2023-24	2024-25	2025-26	2026-27	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
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	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

There may be an indeterminable fiscal impact to the Department of Public Safety & Corrections - Corrections Services (DPS&C) as a result of the proposed law. There may be an **increase** in SGF expenditures to the extent a person convicted of 2nd degree murder, who was under the age of 18 at the time of the commission of the offense, is denied parole eligibility by the court under the proposed law. There may be a **decrease** in SGF expenditures to the extent a person convicted of 2nd degree murder, who was under the age of 18 at the time of the commission of the offense, is granted parole eligibility by the court and becomes parole eligible 5 years sooner under the proposed law than they would under current law.

Under current law, a person serving a sentence of life imprisonment for a conviction of 2nd degree murder, who was under the age of 18 at the time of the commission of the offense, and whose indictment for the offense was on or after August 1, 2017 shall be eligible for parole upon **serving 25 years** of the sentence imposed and meeting other criteria. Under proposed law, a person serving a sentence of life imprisonment for a conviction of 2nd degree murder, who was under the age of 18 at the time of the commission of the offense, regardless of the date of indictment, shall become eligible for parole consideration if a judicial determination has been made that the person is entitled to parole eligibility pursuant to proposed Code of Criminal Procedure Article 878.2. Under the proposed article, after an offender has **served 20 years** of the sentence imposed, the court of conviction shall set a hearing to determine whether the offender shall be granted parole eligibility. However, there is no guarantee that the court will grant parole eligibility to the offender. The net fiscal impact is dependent upon the number of offenders granted parole eligibility under the proposed law and then the number of those offenders that are actually released on parole.

Note: The rate for offenders housed in adult local housing is \$26.39 per day per offender, or \$9,632 annually per offender. The rate for offenders housed in a state correctional facility is \$8,323 per day per offender, or \$30,379 annually per offender.

Note: There will be an increase in statutorily dedicated expenditures from the Louisiana Public Defender Fund for the Louisiana Public Defender Board (LPDB) as a result of the proposed law. Currently, LPDB represents indigent defendants at hearings to determine parole eligibility for persons convicted of 1st degree murder. Under proposed law, LPDB will also be required to represent indigent defendants at these hearings for person convicted of 2nd degree murder. There will be an indeterminable increase in workload to LPDB; however, the hearings will be held 20 years after conviction and it is not possible to know the budget and staffing levels so far into the future.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate <u>Dual Referral Rules</u> <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H} <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}	House <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}	
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Evan Brasseaux
 Interim Deputy Fiscal Officer