

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 70** HLS 23RS 250

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 3, 2023	2:26 PM	Author: VILLIO
Dept./Agy.: Corrections		Analyst: Daniel Druilhet
Subject: Diminution of Sentencing and Parole Eligibility		

CRIMINAL/SENTENCING

EG INCREASE GF EX See Note

Page 1 of 2

Provides relative to diminution of sentence and parole eligibility for fourth or subsequent nonviolent felony offenses

Current law provides for parole eligibility consideration for offenders who serve 25% of a sentence imposed, with the exception of any offender convicted a second time for a crime of violence or a sex offense. Proposed law provides that current 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	2023-24	2024-25	2025-26	2026-27	2027-28	5 -YEAR TOTAL
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	2023-24	2024-25	2025-26	2026-27	2027-28	5 -YEAR TOTAL
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

Proposed law will result in an indeterminable increase in SGF expenditures to the Department of Safety and Corrections - Corrections Services (DPS & C - CS) as a result of the proposed measure.

Proposed law would change the good time earning rate of for a person convicted of a fourth 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 proposed law than under current law, which will result in offenders spending more time in custody and increasing SGF expenditures of DPS & C - CS.

Proposed law also increases the time that an offender convicted of a fourth or subsequent nonviolent felony offense will serve before parole eligibility. Current law requires offenders to serve 25% of the sentence imposed before being eligible for parole. Proposed law would require offenders to serve 65% of the imposed sentence before parole eligibility. This will result in offenders spending more time in custody and increasing SGF expenditures for DPS & C - CS.

Continued on Page 2

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 pursuant to proposed law. The current daily parole supervision rate for adult offenders is \$5.60 per day, which would result in an annual loss of \$2,044 (\$5.60 x 365) in parole supervision SGR.

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

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CONTINUED EXPLANATION from page one:

The exact increase in expenditures is indeterminable, since it is not known the number of persons who will be convicted and sentenced for imprisonment for a fourth or subsequent nonviolent felony. Any offender serving more time in custody of DPS & C - CS will increase SGF expenditures by \$101.76 per offender per day if an offender is housed in a state facility or \$26.39 per offender per day if housed in a local facility. An offender sentenced to the custody of the DPSC - CS for one year would increase expenditures by \$37,142.40 (\$101.76 per day x 365 days) if housed in a state facility and \$9,632.35 (\$26.39 per day x 365 days) if housed in a local facility.

For example, in 2022, there were 3,066 offenders incarcerated with a fourth or subsequent nonviolent felony offense, with an average sentence length of 4.85 years. Under current law, these offenders would serve 25% of the sentence imposed, or 1.7 years. Under proposed law, these offenders would serve 65% of the sentence imposed, or 3.15 years. In this instance, proposed law would result in these offenders serving an additional 1.8 years in actual custody before parole eligibility.

Senate

Dual Referral Rules

House

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

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

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

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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