

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



Fiscal Note On: **HB 723** HLS 24RS 177  
 Bill Text Version: **REENGROSSED**  
 Opp. Chamb. Action: **W/ SEN FLOOR AMD**  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> May 20, 2024	10:59 AM	<b>Author:</b> SCHLEGEL
<b>Dept./Agy.:</b> Corrections/Attorney General		<b>Analyst:</b> Daniel Druilhet
<b>Subject:</b> Clemency Procedures		

PARDON/PAROLE REF SEE FISC NOTE GF EX Page 1 of 1  
 Provides relative to clemency procedures

Current law provides for rules and procedures governing commutation of sentences and the issuance of pardons and the authority for the governor to commute sentences and issue pardons. Proposed law requires the governor to notify the victim or next of kin of a deceased victim, attorney general (AG), DA, sheriff of the parish in which the applicant was convicted, and if in Orleans Parish, the Superintendent of Police, at least 30 days before a sentence commutation or grant of a pardon, and requires notice by the Board of Pardons to the same persons of any favorable pardon recommendation to the governor; requires the governor to approve or reject a favorable recommendation for commutation or pardon prior to him leaving office or upon expiration of his term; provides that recommendations for clemency expire upon the governor leaving office or expiration of his term; extends written notice requirements for hearings in which the Board of Pardons considers an application for commutation of sentence from 30 to 90 days prior to the hearing; adds the AG as a party to whom notice should be provided; prohibits applicants sentenced to life imprisonment for crimes of violence or sex offenses from being eligible to apply for a pardon or sentence commutation for a period of 25 years after sentencing, and mandates that time served prior to the sentence to be included in computing the 25 year period; provides that those serving life sentences resulting from commutations of sentences of death are ineligible to apply for sentence commutation to a specific number of years; requires validated risk assessments and approved residence plans for those released on parole or with a reduced sentence; increases fees for clemency investigations from \$150 to \$200.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	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**

REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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**

**EXPENDITURE EXPLANATION**

Proposed law may result in an increase in SGF expenditures in the Department of Public Safety & Corrections - Corrections Services, to the extent that any additional period of time in which those convicted of life sentences are required to wait (prior to eligibility to apply for a sentence commutation or pardon) results in longer stays of incarceration. Proposed law extends the period of time for which those convicted and sentenced to life imprisonment for crimes of violence or sex offenses are required to wait prior to becoming eligible for applying for a sentence commutation or pardon from 15 years to 25 years. The exact fiscal impact of the passage of this legislation is indeterminable, since the waiting periods for those currently incarcerated for life sentences for crimes of violence and sex offenses are variable, and there is no way to determine the number of pardons and sentence commutations that will be granted in the future.

Proposed law may result in a decreased workload in the Department of Public Safety & Corrections-Board of Pardons, to the extent that applicants sentenced to life imprisonment for crimes of violence or sex offenses become ineligible to apply for a pardon or sentence commutation for an additional ten years, resulting in fewer applications for pardons and sentence commutations reviewed for the next ten years.

For illustrative purposes, the Department of Public Safety & Corrections - Corrections Services incurs expenditures of \$107.60 per offender per day for offenders convicted and housed in a state facilities or \$26.39 per offender per day for an offender housed in a local facility. Corrections Services reports that impacts on offender populations are anticipated to affect the number of offenders held in local facilities. Corrections Services reports that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

For informational purposes, the Department of Public Safety & Corrections - Board of Pardons reports that for an annual average of 357 applications for pardons and sentence commutations that have been reviewed by the Board of Pardons for the past 3 years, an annual average of 29 pardons and 77 sentence commutations have been granted by the governor, with an annual average of 60 life sentences that have been commuted by the governor.

The proposed legislation imposes additional notice requirements on the governor and the Board of Pardons relative to sentence commutations or grants of pardons. Notice of any sentence commutations or grants of pardons to any additional parties by the governor or Board of Pardons will likely occur either via regular or certified mail. The LFO presumes that there will be marginal costs associated with these notice requirements, and that any additional workload associated with these notice requirements can be absorbed using existing staff and resources within the Office of the Governor and the Board of Pardons.

**REVENUE EXPLANATION**

Proposed law may result in an indeterminable increase in self-generated revenue to the DPS&C - Probation and Parole to the extent that any additional revenues are generated relative to the increase (from up to \$150 to up to \$200) in fees assessed for clemency investigations and fees assessed for parole supervision for those released on parole or because of a sentence diminution. The current daily parole supervision rate for adult offenders is \$5.43 per day. The exact fiscal impact is indeterminable, as there is no way to determine the number of clemency investigations or those granted clemency who will be released due to parole or sentence diminution.

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}

**Patrice Thomas**  
 Deputy Fiscal Officer