

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



Fiscal Note On: **HB 440** HLS 16RS 46

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> April 15, 2016	1:32 PM	<b>Author:</b> JACKSON
<b>Dept./Agy.:</b> Corrections		<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Parole and Programs To Reduce Recidivism Fund		

CRIMINAL/SENTENCING EG DECREASE GF EX See Note Page 1 of 2  
Provides relative to parole for persons convicted of crimes of violence and provides for the creation and administration of the Programs to Reduce Recidivism Fund

Present law provides for parole eligibility for offenders convicted of a crime of violence upon serving 85% of the sentence imposed. Proposed law amends present law to provide parole eligibility for these offenders upon serving 75% of the sentence imposed. Provides for prospective application of this provision of proposed law apply only to those persons convicted on or after the effective date of proposed law.

Present law provides that a unanimous vote of the committee on parole is required to grant parole for any person convicted of a crime of violence. Present law provides that the committee on parole may grant parole with a majority vote for non-violent, non-sex offenders when certain conditions are met. Proposed law amends present law to authorize the granting of parole by majority vote for a person convicted of a crime of violence when the conditions set forth in present law are met, including completion of at least 100 hours of a reentry preparation program as provided by present law. Ctd on page 2

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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>						

REVENUES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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>						

**EXPENDITURE EXPLANATION**

The proposed law may result in an indeterminable decrease in SGF expenditures as a result of amending the parole eligibility for parole eligible offenders convicted of violent crimes. The exact fiscal impact of the passage of this legislation is indeterminable, since the proposed law allows parole eligible offenders convicted of violent crimes to become parole eligible earlier and it is not known how many offenders will be granted parole. However, any offender released from a correctional facility and placed on parole supervision decreases expenditures of the Department of Public Safety & Corrections (DPSC)-Correction Services by \$21.84 per day per offender in local facilities (\$24.39 per day - \$2.55 parole supervision per day) or \$7,972 annually. To the extent that offenders are released from state facilities, the decrease per day per offender is \$49.13 (\$51.68 per day - \$2.55 parole supervision per day) or \$17,932 annually.

In addition, the proposed law creates the Programs to Reduce Recidivism Fund which shall be administered by the Louisiana Commission on Law Enforcement (LCLE) and DPS&C - Correction Services to defray the operational expenses of probation and parole and reentry initiatives and to assist in establishing and reimbursing the operational expenses of local corrections rehabilitative programs. Any savings realized from the proposed law reduction in the amount of time a person convicted of a crime of violence is required to serve prior to being eligible for parole consideration shall be appropriated into the fund.

**Continued On Page Two**

**REVENUE EXPLANATION**

Proposed law creates a special fund to receive appropriations or donations to be used to support local corrections rehabilitative programs. One source of appropriation into the fund is any savings realized from the reduction in the amount of time served by offenders, as provided by this bill. Thus, the bill contemplates the dedication of some amount of general fund resources, but does not indicate how any specific amount of those resources is to be established. This intent is depicted in the table above as a reduction in general fund resources and an increase in resources deposited into the special fund.

The proposed law may result in an indeterminable increase in self-generated revenue as a result of offenders convicted of violent crimes becoming parole eligible earlier, thus being released into parole supervision. For each offender that is released to parole at an earlier date, the DPSC - Correction Services could collect up to \$63 per month from each offender under parole supervision. It should be noted that the maximum amount paid per month is \$63 and the offender's ability and amount he is required to pay is determined by the Board of Parole.

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

*Evan Brasseaux*  
**Evan Brasseaux**  
**Staff Director**

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**CONTINUED EXPLANATION from page one:**

**Continued Summary From Page One**

Proposed law repeals the provision of present law which prohibits persons convicted of a crime of violence from being eligible to participate in the reentry preparation program and thus making such persons eligible for the granting of parole by majority vote.

Proposed law provides that provisions regarding the majority vote and eligibility to participate in reentry preparation programs for persons convicted of a crime of violence are prospective and are only applicable to persons convicted on or after the effective date of proposed law.

Proposed law creates the Programs to Reduce Recidivism Fund which shall be administered by the La. Commission on Law Enforcement and the Administration of Criminal Justice and the Dept. of Public Safety and Corrections for the following purposes: (1) To defray the operational expenses of probation and parole and reentry initiatives. (2) To assist in establishing and reimbursing the operational expenses of local corrections rehabilitative programs. Provides that any savings realized from the proposed law reduction in the amount of time a person convicted of a crime of violence is required to serve prior to being eligible for parole consideration shall be appropriated into the fund.

**Continued Expenditure Explanation From Page One**

The savings from the early granting of parole is unknown at this time; therefore, it is not known how much will be appropriated to the fund. To the extent that the savings is significant, an additional position in the LCLE may be necessary to administer the fund.

Creating a new statutory dedication (Programs to Reduce Recidivism Fund) within the state treasury will result in a marginal additional workload for the Treasury, which can generally be absorbed with existing resources. However, to the extent other legislative instruments create new statutory dedications, there may be material additional costs associated with the aggregate effort to administer these funds.

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}

*Evan Brasseaux*

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**Staff Director**