

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 493** HLS 21RS 912

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 26, 2021	1:09 PM	Author: PRESSLY
Dept./Agy.: Corrections		Analyst: Rebecca Robinson
Subject: Diminution of sentence		

CRIMINAL/SENTENCING

OR INCREASE GF EX See Note

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Reduces diminution of sentence for good behavior for certain weapons violations

Proposed law provides that an offender serving a sentence for possession of a firearm or carrying a concealed weapon after having been convicted previously of a crime of violence is not eligible for diminution of sentence currently allowed at the rate of 13 days for every 7 days in actual custody served on the imposed sentence. Provides that when convicted of a crime of violence without a prior conviction of possession of a firearm or carrying of a concealed weapon after having been convicted previously of a crime of violence, the rate at which the diminution of the sentence shall be calculated is one day for every three days in actual custody held on the imposed sentence. Provides that when the instant offense is listed as possession of a firearm or carrying of a concealed weapon after having been convicted previously of a crime of violence, the offender is not eligible for the one day for every three day rate of diminution of sentence.

EXPENDITURES	2021-22	2022-23	2023-24	2024-25	2025-26	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	2021-22	2022-23	2023-24	2024-25	2025-26	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 will be an indeterminable increase in SGF expenditures of the Department of Public Safety & Corrections - Corrections Services (DPS&C) as proposed law reduces the rate by which the diminution of sentences are calculated from 13 days for every seven days in actual custody to one day for every three days. The proposed law increases the imposed sentence length in actual custody for certain offenders before being released on good time. Therefore, offenders remaining in custody of DPS&C longer increases SGF expenditures of \$26.39 per day per offender and \$9,632 annually (\$26.39 per day per offender x 365 days) in adult local housing; and \$67.36 per day per offender and \$24,586 annually (\$67.36 per day per offender x 365 days) in a state facility.

REVENUE EXPLANATION

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

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}

Alan M. Boxberger

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Staff Director