



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 404** HLS 22RS 871
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 18, 2022	9:43 AM	Author: NELSON
Dept./Agy.: Corrections		
Subject: Parole eligibility for juvenile offenders		Analyst: Rebecca Robinson

JUVENILES OR -\$978,000 SD EX See Note Page 1 of 1
 Provide relative to parole eligibility for juvenile offenders

Proposed law eliminates life imprisonment without the benefit of parole for juveniles. Repeals Code of Criminal Procedure Article 878.1. Provides that if an offender was under the age of 18 at the time of the commission of 1st or 2nd degree murder, the offender shall be punished by life imprisonment at hard labor without benefit of probation or suspension of sentence. Proposed law shall have retroactive and prospective application.

EXPENDITURES	2022-23	2023-24	2024-25	2025-26	2026-27	5 -YEAR TOTAL
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	(\$978,000)	(\$978,000)	(\$978,000)	(\$978,000)	(\$978,000)	(\$4,890,000)
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.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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

There will be a decrease in statutorily dedicated expenditures from the Louisiana Public Defender Fund for the Louisiana Public Defender Board (LPDB) of \$978,000 as a result of the proposed law. Currently, the Code of Criminal Procedure requires a sentencing hearing to be held when an offender is to be sentenced to life imprisonment for a conviction of 1st degree murder, where the offender was under the age of 18 at the time of the commission of the offense, to determine whether the sentence shall be imposed with or without parole eligibility. LPDB contracts with the Louisiana Center for Children's Rights (LCCR) to assist district defenders with current cases at this sentencing hearing and spends approximately \$848,000 on the contract with LCCR. LPDB also contracts with the Capital Appeals Project to provide representation for those persons previously convicted of 1st degree murder, where the offender was under the age of 18 at the time of the commission of the offense, and sentenced to life. Pursuant to *Montgomery v. Louisiana*, these offenders are entitled to a sentencing rehearing to determine eligibility for parole. LPDB spends approximately \$130,000 on the contract with the Capital Appeals Project. Upon the passage of the proposed legislation, LPDB would no longer need to provide representation to these two groups of defendants as they would all immediately be eligible for parole due to its retroactive and prospective application; thus, resulting in \$978,000 in reduced costs.

There will be an indeterminable decrease in SGF expenditures for the Department of Public Safety & Corrections - Corrections Services (DPS&C) as a result of the proposed law. Proposed legislation eliminates life without parole for persons convicted of 1st degree murder, who were under 18 at the time of the commission of the offense. There will be a decrease in expenditures to DPS&C to the extent an offender is granted parole under the proposed law, that was not eligible for parole under current law. The exact fiscal impact is indeterminable as the granting of parole is at the discretion of the Committee on Parole. However, any offender released from the custody of DPS&C decreases SGF expenditures \$21.15 per day per offender (\$26.39 daily rate, less \$5.24 for parole supervision per day) in adult local housing, and \$7,720 annually per offender. There will be a decrease in expenditures of \$78 per day per offender (\$83.23 daily rate, less \$5.24 for parole supervision per day) in a state facility, and \$28,470 annually per offender.

REVENUE EXPLANATION

The proposed legislation will result in an indeterminable increase in self-generated revenue to the extent offenders convicted of 1st or 2nd degree murder, who were under 18 at the time of the commission of the offense, are granted parole under the proposed law, and were not eligible for parole under current law. The exact fiscal impact is indeterminable as the granting of parole is at the discretion of the Committee on Parole. However, for each offender that is released on parole, the department collects up to \$63 per month from each offender under parole supervision. It should be noted that the offender's ability and amount required to pay is determined by the Committee on Parole.

Senate
 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

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 Interim Deputy Fiscal Officer