



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 730** HLS 22RS 798
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 18, 2022	4:07 PM	Author: DUPLESSIS
Dept./Agy.: Corrections		
Subject: Parole		Analyst: Rebecca Robinson

PAROLE OR -\$978,000 SD EX See Note Page 1 of 1
 Provides relative to parole eligibility for certain persons

Proposed law removes the current law prohibition and provides that persons convicted of a sex offense or second or subsequent time for a crime of violence shall be eligible for parole consideration upon serving 75% of the sentence imposed. Removes the current law age 45 requirement and removes the prohibition on eligibility for parole considerations for persons convicted of armed robbery, a crime of violence, or a sex offense. Repeals the provision that no prisoner serving a life sentence shall be eligible for parole consideration until his life sentence has been commuted to a fixed term of years and no person sentenced as a serial sex offender shall be eligible for parole. Eliminates life imprisonment without the benefit of parole for juveniles. Provides that an offender serving a term or terms of life imprisonment, with or without the benefit of parole, shall be eligible for parole consideration if the offender has served at least 30 years of the sentence imposed and removes the requirement of a unanimous vote of the committee on parole. Repeals Code of Criminal Procedure Article 878.1.

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 878.1 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. LDPB 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 annually 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 annually 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 a decrease in SGF expenditures for the Department of Public Safety & Corrections - Corrections Services (DPS&C) to the extent an offender who is currently ineligible for parole becomes eligible for parole under the proposed 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 correctional facility, and \$28,470 annually per offender.

For informational purposes only: DPS&C reports there are currently 956 offenders that have served 30 years or more of their life sentence and 313 offenders that have served 20 or more years of their sentence that that would be parole eligible under the proposed law. There are also 5,900 offenders with a third or subsequent crime of violence or sex offense that would be parole eligible under the proposed law, after serving 75% of their sentence.

REVENUE EXPLANATION

There will be an indeterminable increase in self-generated revenue to the extent certain offenders become parole eligible under the proposed law are granted parole. For each offender that is released to parole at an earlier date, DPS&C 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.

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| <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
 Interim Deputy Fiscal Officer