Current law provides that a person shall be eligible for parole upon serving 25% of the sentence imposed; does not apply to a person whose instant offense is a crime of violence or a sex offense. Proposed law provides that present law also shall not apply to any person whose instant offense is a 4th or subsequent conviction of a nonviolent felony offense. Proposed law provides that a person whose instant offense is a 4th or subsequent conviction of a nonviolent felony shall be eligible for parole upon serving 65% of the sentence imposed.

Current law provides that a person convicted of a 4th or subsequent nonviolent felony may earn good time at a rate of 13 days for every 7 days served in actual custody. Proposed law changes that rate to one day for every two days served in actual custody.

**EXPENDITURE EXPLANATION**

There will be an indeterminable increase in SGF expenditures for the Department of Public Safety & Corrections - Corrections Services as a result of the proposed measure.

The proposed law changes the good time earning rate of a person convicted of a 4th or subsequent nonviolent felony from 13 days for every 7 days in custody (or 65%) to 1 day for every 2 days in custody (or 33%). These offenders will earn good time at a lower rate under the proposed law than under current law, resulting in more time spent in custody; thus, increasing the expenditures of DPS&C.

The proposed law also increases the amount of time an offender convicted of a 4th or subsequent nonviolent felony offense shall serve before being eligible for parole. Under current law, these offenders must serve 25% of the sentence imposed before being eligible for parole. Under proposed law, these offenders must serve 65% of the sentence imposed before being eligible for parole. As a result, these offenders will spend more time in custody; thus, increasing the expenditures of DPS&C.

The exact increase in expenditures is indeterminable, since it is unknown the number of persons who will be convicted and sentenced to imprisonment for a 4th or subsequent nonviolent felony. Any offender serving more time in the custody of DPS&C increases SGF expenditures of $26.39 per day per offender in adult local housing and $83.23 per day per offender in a state facility. Any offender convicted of these crimes would cost DPS&C $9,632 annually ($26.39 per day per offender x 365 days) per offender in adult local housing and $30,379 annually ($83.23 per day per offender x 365 days) per offender in a state facility.

For illustrative purposes only, in 2021 there were 3,264 admissions for persons convicted of a 4th or subsequent nonviolent felony, with an average sentence length of 4.39 years. Under current law, these offenders would serve 25% of the sentence imposed, or 1.10 years; whereas, under proposed law, these offenders would serve 65% of the sentence imposed, or 2.9 years. In this scenario, the proposed law would result in these offenders serving an additional 1.8 years in actual custody before being eligible for parole.

**REVENUE EXPLANATION**

There will be an indeterminable decrease in self-generated revenue to DPS&C - Probation and Parole to the extent any offender remains in custody longer and is not released on parole under proposed law than under current law.