



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

Fiscal Note On: **HB 544** HLS 22RS 882  
 Bill Text Version: **REENGROSSED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> May 3, 2022	9:36 AM	<b>Author:</b> VILLIO
<b>Dept./Agy.:</b> Dept. of Corrections and Committee on Parole		
<b>Subject:</b> Diminution of sentence and parole eligibility		<b>Analyst:</b> Rebecca Robinson

CRIMINAL/SENTENCING RE INCREASE GF EX See Note Page 1 of 1  
 Provides relative to diminution of sentence and parole eligibility for fourth or subsequent nonviolent felony offenses

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.

<b>EXPENDITURES</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
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>						
<b>REVENUES</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
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**

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.

Senate Dual Referral Rules  
 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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**Evan Brasseaux**  
 Interim Deputy Fiscal Officer