



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 13** HLS 242ES 29
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: February 16, 2024 8:15 PM	Author: WRIGHT
Dept./Agy.: Corrections	
Subject: Forfeiture of Diminution of Sentence	Analyst: Daniel Druilhet

CORRECTIONS/PRISONERS OR INCREASE GF EX See Note Page 1 of 1
 Provides relative to forfeiture of diminution of sentence (Item #2)

Current law provides that good time, or credits toward the reduction of a projected good time parole supervision date, shall not be forfeited, with certain exceptions for circumstances that can result in the forfeiture of an inmate's good time or credits. Proposed law amends current law on forfeiture of good time and credits by mandating forfeiture of good time and credits toward the reduction of a projected good time parole supervision date for an inmate who commits, attempts to commit, or conspires to commit a simple or aggravated escape. Proposed law amends current law on forfeiture of good time and credits by mandating forfeiture of all good time and credits earned on that portion of an inmate's sentence if he is convicted of the following offenses, including attempt or conspiracy - any crime of violence punishable by more than 10 years, second degree battery, battery of a police officer, battery of a correctional facility employee, disarming of a peace officer, battery of emergency room or emergency services personnel, or a healthcare professional, aggravated assault, second degree sexual battery, oral sexual battery, simple kidnapping, and simple robbery.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						
REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will likely result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPSC – CS), to the extent that inmates forfeit good time and credits for attempting to or conspiring to commit a list of crimes. Proposed law will result in an increase in the number of days inmates are incarcerated. The exact fiscal impact of the passage of this legislation is indeterminable, since it is not known how many inmates will be subject to a forfeiture of good time and credits as a result of this change to current law.

SGF expenditures will increase by \$107.60 per offender per day to the extent that an offender is convicted and then housed in a state facility or \$26.39 per offender per day for an offender housed in a local facility. An offender in the custody of the DPSC – CS for one year would increase expenditures by \$39,274 (\$107.60 per day x 365 days) if housed in a state facility and \$9,632.35 (\$26.39 per day x 365 days) if housed in a local facility.

For illustrative purposes, on average, for the last three years, 81 inmates have been incarcerated and committed at least one offense of simple or aggravated escape while in custody with DPS&C - CS. Currently, there are 329 inmates that are incarcerated and have committed one offense of either second degree battery, battery of a police officer, battery of a correctional facility employee, simple kidnapping, and simple robbery. The percentage of state inmates housed at state facilities is 48%, while the percentage of state inmates housed at local facilities is 52%. A total of 410 inmates have committed at least one of the enumerated offenses and would be subject to forfeiture of good time credits (48% = 197 inmates; 52% = 213 inmates). The LFO cannot determine how many of these 410 inmates would have been eligible for release using good time credits under the provisions of current law. However, if only 5 inmates were denied release under proposed law, the expenditure impact would exceed \$100,000 SGF.

Note: These figures do not include cost information for prospective fiscal impact to local facilities. The LFO is working with the Louisiana Sheriff's Association to obtain information relative to fiscal impact to local facilities, and will provide this once it becomes available.

REVENUE EXPLANATION

There will be an indeterminable decrease in self-generated revenue to DPS&C – Probation and Parole to the extent any offender is required to serve a longer duration of sentencing and forfeits credits for good time toward his parole supervision date pursuant to proposed law. The current daily parole supervision rate for adult offenders is \$5.43 per day, which would result in an annual loss of \$1,981.95 (\$5.43 x 365) in parole supervision SGR for each adult offender.

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}


Patrice Thomas
Deputy Fiscal Officer