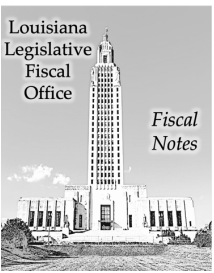


LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 5** SLS 242ES 14
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.: **REVISED**

Date: February 21, 2024 9:48 PM **Author:** MCMATH
Dept./Agy.: Corrections **Analyst:** Daniel Druilhet
Subject: Parole Proceedings and Revocation of Parole

PROBATION/PAROLE EG INCREASE GF EX See Note Page 1 of 2
 Provides for parole proceedings and revocation of parole in certain cases. (8/1/24) (Item #4)

Current law provides that the Committee on Parole (COP) may grant parole (P) with 2/3 votes of a three-member panel (TMP), or if the number exceeds a TMP, a majority vote of those present; requires the COP to notify the district attorney (DA) of the parish where a conviction occurred, the victim, or the spouse or next of kin of a deceased victim, of the date scheduled for a parole hearing (PH) 60 days prior to the PH date; mandates that the DA be allowed to review the record (since incarceration) of the offender seeking P; mandates that the DA be allowed to present testimony to the COP; mandates that the COP not consider a PH of any person convicted of a crime of violence, a sex offense considered a crime of violence, or manslaughter until at least 4 years after P denial. Proposed law amends current law to require a unanimous vote of the COP to grant P; only allows consideration for P if an offender has not committed any major disciplinary offenses for 36 consecutive months prior to his P eligibility date; mandates that the COP also notify the attorney general (AG) at least 90 days prior to a PH, and that the AG also be allowed to review the defendant's record and present testimony at PH; mandates that PH be scheduled in order in which P applications are filed; mandates that the release date be set by the COP, but that it shall be subject to modification or rescission if deemed appropriate by the COP; and that any order noncompliant with notice requirements is null.

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	\$0	\$0	\$0	\$0	\$0	\$0

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 (DPS&C-CS), to the extent that inmates are denied parole by not receiving a 2/3 affirmative vote of the Committee on Parole. Proposed law will remove the ability of inmates to receive a 2/3 affirmative vote of the Committee on Parole (and require granting of parole to occur with a unanimous vote), which will result in a smaller number of inmates granted parole who would be subject to longer stays of incarceration. Proposed law will also grant the Committee on Parole the discretion to modify, alter, or rescind any order granting parole for any reason the committee deems appropriate, which may result in offenders previously granted parole being returned to incarceration. Proposed law also will extend the parole eligibility stipulation requiring an offender to not have committed any major disciplinary offenses in the 12 consecutive months prior to his parole eligibility date to 36 consecutive months prior to his parole eligibility date. The exact fiscal impact to DPS&C-CS is indeterminable because there is no way to determine how many prisoners previously eligible for parole with a 2/3 affirmative vote of the Committee on Parole would be ineligible in the future, the varying lengths of time to which those granted parole would be required to serve, the number of disciplinary offenses and the timeframe in which they will occur for each inmate housed, or the number of decisions previously granting parole that will be modified, rescinded, or altered in the future.

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 sentenced to 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 informational purposes, DPS&C-CS advised that on average, for the last two years, an average of 20 inmates (15 in 2022 and 25 in 2023) have been granted parole by an affirmative 2/3 vote of the Committee on Parole, and an average of 409 inmates (456 in 2022 and 362 in 2023) have been granted parole by a unanimous vote of the Committee on Parole.

CONTINUED ON PAGE 2

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 sentence 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}

Alan M. Boxberger
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Legislative Fiscal Officer



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CONTINUED EXPLANATION from page one:

[CONTINUED FROM PAGE 1]

Considering the number of inmates granted parole for the last two years with a 2/3 affirmative vote of the Committee on Parole, if proposed law was enacted, an average of 20 inmates would be denied parole due to not receiving unanimous votes from the Committee on Parole, extending their periods of incarceration.

The LFO is working with the DPS&C-CS to get information on the number of major disciplinary offenses sustained by inmates between 12 and 36 months relative to the number of inmates that become parole eligible under current law. This information will be provided once it becomes available.

Attorney General and Local District Attorneys

Proposed law may result in an increase in SGF expenditures in the Louisiana Department of Justice (Attorney General) and local district attorneys, to the extent that they participate in parole hearings with the Committee on Parole by providing testimony and submitting information during the proceedings. To the extent that the Louisiana Department of Justice participates in parole hearings, there may be an increase in workload, requiring the agency to secure additional staff. The LFO is working with the Louisiana Department of Justice to determine if whether the agency can absorb the additional workload using existing staff and resources.

Department of Public Safety & Corrections - Corrections Services

Proposed law may result a decrease in SGF expenditures in the Department of Public Safety & Corrections - Probation and Parole, to the extent that the time period for parole rehearings available to offenders sentenced for crimes of violence and sex offenses is extended from four years after the denial of parole to five years after the denial of parole. To the extent that offenders convicted of crimes of violence and sex offenders are required to be housed in state or local corrections facilities at DPS&C-CS for an additional year before being eligible for a rehearing, the number of annual rehearings conducted by the Committee on Parole is subject to decrease. The LFO is working with the Department of Public Safety & Corrections to determine costs associated with conducting parole rehearings, and the annual number of parole rehearings that are conducted annually under current law. Conversely, for any additional year that an inmate housed in state or local facilities with the Department of Public Safety & Corrections - Corrections Services, DPS&C-CS will sustain expenditures of \$39,274 (\$107.60 per inmate per day x 365 days) for inmates housed in a state facility and \$9,632.35 (\$26.39 per inmate per day x 365 days) for inmates housed in local facilities.

Proposed law will likely result in a marginal increase in SGF expenditures in the Department of Public Safety & Corrections - Probation and Parole, to the extent that the Committee on Parole complies with requirements to provide notice to the district attorney of the parish wherein the conviction occurred and the attorney general of the hearing 90 days prior to the hearing date and the requirement to ensure that all parole hearings are conducted in compliance with notification requirements. The LFO presumes marginal costs associated with this notice requirement, as the proposed law requires notice, in writing, which can be accomplished either via regular or certified mail. The LFO presumes, also, that the requirement that the Committee on Parole ensure compliance with all notice requirements can be absorbed using existing staff and resources within Probation and Parole.

Senate Dual Referral Rules
[X] 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
[] 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
[X] 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}

Signature of Alan M. Boxberger
Alan M. Boxberger
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