

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 10** HLS 242ES 14
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.: **REVISED**

Date: February 28, 2024 9:18 AM	Author: VILLIO
Dept./Agy.: Corrections	
Subject: Removal of Eligibility for Credit Served for Good Behavior	Analyst: Daniel Druilhet

CRIMINAL/SENTENCING EG INCREASE GF EX See Note Page 1 of 2
 Provides relative to diminution of sentence (Item #2)

Current law allows a person convicted of an offense to be eligible to earn a diminution of his sentence (DOS) (or earn credit/time served for good behavior (GB), with exceptions - those considered habitual offenders, those who in the trial court's discretion are ineligible for DOS due to stalking, those who have been convicted of a second crime considered a crime of violence, and those who are sex offenders. Current law allows offenders to earn 13 days of credit for good time (CFG T) served for every 7 days of GB for those convicted of non-violent offenses; 2 days of credit/time served for every 1 day of GB for those with 4th or subsequent convictions; and 1 day of credit/time served for every 3 days of GB for violent offenders. Current law allows credit for time served (CFTS) to be considered in the calculation for good time credits for DOS. Proposed law amends current law to prohibit any person who commits an offense on or after 8/01/24, to be entitled to any DOS or CFG T that exceeds 15% of the sentence imposed, with the exception that those who have committed sex offenses or are habitual offenders are prohibited from earning any DOS; provides for additional DOS opportunities relative to classification and treatment programs under the Department of Public Safety & Corrections (DPS&C); removes consideration for CFTS in calculating good time credit for DOS; requires those with parole revocations to serve the remainder of their full original sentence with no DOS.

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 a significant increase in SGF expenditures to the Department of Safety and Corrections - Corrections Services (DPS & C - CS) to the extent that any diminution of sentence for good time earned would not be calculated with consideration of any credit for time served. Proposed law will also likely result in an increase in SGF expenditures to the DPS&C-CS, to the extent that it limits any diminution of sentence for good time earned to 15% of sentences imposed for offenses (excluding those committed by habitual offenders and those who commit sex offenses permitted to earn no diminution of sentence) committed on or after August 1, 2024, which differs from good time credits toward diminution of sentences currently available to offenders to reduce their sentences to 35%, 65%, or 75% of the sentences imposed. Proposed law will likely result in an increase in the number of days inmates are incarcerated under current sentencing mechanisms and practices.

DPS&C-CS estimates that SGF expenditures will increase by no less than \$5 M in FY 26 as a result of this measure. These estimates were based on projections of the impact of not considering credit for time served in calculating the diminution of sentence for good time earned after 8/01/24, currently available for offenders (nonviolent offenders, nonviolent offenders with four or more convictions, and violent offenders) housed within the DPS&C-CS for less than a year, for one to two years, and for two to three years. DPS&C-CS reports an increase, month over month, with this change.

SGF expenditures will increase by \$107.60 per offender per day to the extent that an offender currently incarcerated in a state facility has sentencing diminution limited to 15% of his sentence imposed or loses all credits for time served pre-trial and remains housed for a longer period of time 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. In public testimony during the 2024 2nd ES, Corrections Services testified that impacts on offender populations are anticipated to impact the number of offenders held in local facilities. Corrections Services reports that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

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REVENUE EXPLANATION

Proposed law will likely result in an indeterminable decrease in self-generated revenue to DPS&C - Probation and Parole to the extent any offender remains in custody longer and has sentencing diminution limited to 15% of the sentence imposed. 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) per offender in parole supervision SGR.

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



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CONTINUED EXPLANATION from page one:


[CONTINUED FROM PAGE 1]

For informational purposes, the Department of Public Safety & Corrections reports the following regarding the prison population of different classes of offenders currently earning credit for good time served housed in state and local facilities:

Offense Type	Number Incarcerated	Diminution Rate
Violent Offenders	4,515	75%
Violent Offenders	2,680	65%
Act 280 (Since 1992)	920	50%
Other Offenses	25	40% - 46%
Other Offenses	565	67%
Non-Violent/Non-Sex Offenses	9,495	35%
Life/Death Sentences	434	0%
Violent/Sexual/Habitual Offenders	8,195	0%

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