

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 11** HLS 242ES 15

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: February 25, 2024 5:07 PM	Author: VILLIO
Dept./Agy.: Corrections	Analyst: Daniel Druilhet
Subject: Violations and Sanctions - Probation and Parole	

CRIMINAL/SENTENCING

RE INCREASE GF EX See Note

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Provides relative to sanctions for violation of probation or parole conditions (Item #3)

Current law provides that a court may, after a 1st, 2nd, or 3rd conviction for a noncapital felony (NCF), suspend (in whole or in part - IWOIP), imposition or execution of a sentence (IOES), and place a defendant (D) on a specified period of probation (POP) and supervised release not to exceed 3 years; provides that after a 4th or subsequent conviction of a NCF, a court may suspend, IWOIP, IOES; provides that if a D is ordered to complete a program (COAP) provided by a specialty court under La. C.Cr.Pr. Art. 893, the court may place the defendant on a POP not to exceed 8 years, but that successful COAP may require the POP to not exceed 3 years; allows consideration for compliance credits; mandates that those with technical violations of probation (TVOP) be subject to a delineated list of sentences for 1st, 2nd, 3rd, or 4th TVOP; provides the definition of TVOP and rules regarding custody and supervision of parolees (PLS). Proposed law allows the POP to be extended from no more than (NMT) 3 to NMT 5 years; removes the ability to earn compliance credits toward completion of a POP; amends the definition of compliance to not consider inability to pay fines/fees/restitution; mandates imprisonment for no more than 90 days for TVOP; applies credits for time served only to 1st parole revocations (PR); places review of TVOP with courts and review of parole violations with the Committee on Parole (COP); imposes additional conditions relative to parole revocations.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	INCREASE	INCREASE	\$0
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	INCREASE	INCREASE	\$0
Annual Total	\$0	\$0	\$0			\$0

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.	\$0	\$0	\$0	INCREASE	INCREASE	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will result in an indeterminable increase in SGF expenditures for the Department of Public Safety & Corrections - Probation and Parole. Proposed law would allow courts to extend probationary periods after suspension or execution of sentences from three years to five years after August 1, 2024. The exact fiscal impact of the proposed law is indeterminable because there is no way to determine whether courts will choose to extend probationary periods from a maximum of 3 years to a maximum of 5 years or the number of impacted parolees.

SGF expenditures will increase by \$5.97 per offender per day to the extent that an offender previously subject to have his sentence suspended and subsequently placed on probation for a maximum period of five years (up from three) would be subject to a longer period of probation, if determined by the courts. An offender subject to probation with the Department of Public Safety & Corrections - Probation and Parole would increase expenditures by \$2,179.05 for additional each year (\$5.97 per day x 365 days) he has been assigned probation. The provisions of proposed law will only apply to offenses committed on or after August 1, 2024, resulting in cost exposures likely beginning in FY 28 (third year after arrests occurring on or after 8/1/2024).

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REVENUE EXPLANATION

Proposed law will result in an indeterminable impact to local revenues to courts in the State as a result of the proposed measure. The proposed law is prospective and the Louisiana Supreme Court advises that there is no way, with certainty, to determine the volume of future defendants that will sustain technical violations for noncompliance with paying outstanding fines and fees after August 1, 2024.

There will be an indeterminable increase in self-generated revenue to DPS&C - Probation and Parole to the extent any offender is required to serve a longer duration of probation 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

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CONTINUED EXPLANATION from page one:

Proposed law will likely result in an indeterminable increase in local expenditures to courts tasked with reviewing technical violations of probation, to the extent that hearings for technical violations of probation currently reviewed by the Committee on Parole with the Department of Public Safety & Corrections will be placed under review by the courts. Proposed law has the effect of increasing the workload in district courts, which will increase the number of hearings scheduled for review of technical violations of probation. The exact impact of the enactment of proposed law to local courts is indeterminable, because it is impossible to determine how many hearings scheduled to review technical violations of probation will be reviewed by the courts in the future.

Proposed law will likely result in an indeterminable decrease in SGF expenditures for the Department of Public Safety & Corrections - Parole, to the extent that the Committee on Parole will be provided the discretion to review revocations of parole for technical violations, and any workload associated with review of technical violations of probation will be placed under review of courts. Proposed law will also likely result in an indeterminable increase in SGF expenditures for the Department of Public Safety & Corrections - Parole, to the extent that the Committee on Parole (the committee) orders a parolee to a community rehabilitation center to complete a substance abuse program (under contract with DPS&C - CS, for no longer than six months, without benefit of good time) as an alternative to parole revocation or returns a parolee to the physical custody of the Department of Public Safety & Corrections - Corrections Services (DPS&C-CS) pending a decision on parole revocation. The exact impact of the enactment of proposed law to DPS&C is indeterminable, because it is impossible to determine the number of parole revocations that will occur in the future, the number of parolees committed to complete substance abuse treatment as an alternative to parole revocation, or how many hearings scheduled to review technical violations of parole will be reviewed by the Committee on Parole in the future (relative to any prospective decrease in reviews of technical violations of probation shifted to courts).

The LFO is working with DPS&C to determine the number of hearings scheduled for technical violations of probation versus parole revocation hearings and the number of instances of revocations of parole to determine the projected workload decrease in the Committee on Parole. That information will be provided once it becomes available.

Senate

Dual Referral Rules

House

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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