

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 732** HLS 14RS 1324

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 28, 2014	2:11 PM	Author: JACKSON, K
Dept./Agy.: Corrections		Analyst: Stephanie C. Blanchard
Subject: Minimum mandatory sentences		

CRIMINAL/PROCEDURE

EN SEE FISC NOTE GF EX See Note

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Authorizes the waiver of minimum mandatory sentences for certain crimes of violence

Present law provides that if a felony or misdemeanor offense specifies a sentence with a minimum term of confinement or a minimum fine, or that the sentence shall be served without benefit of parole, probation, or suspension of sentence, the court, upon conviction, in sentencing the offender shall impose the sentence as provided in the penalty provisions for the offense unless either of the following occur: (1) The defendant enters a guilty plea pursuant to a negotiated plea agreement with the prosecution and the court which specifies that the sentence shall be served with benefit of parole, probation, or suspension of sentence or specifies a reduced fine or term of confinement. (2) The prosecution, the defendant, and the court enter into a post-conviction agreement, which specifies that the sentence shall be served with benefit of parole, probation, or suspension, of sentence or specifies a reduced fine or term of confinement. Present law provides that these provisions shall not apply to a crime of violence or a sex offense. Proposed law amends present law and authorizes a waiver of minimum mandatory sentences pursuant to proposed law for certain offenses that are defined in present law as a crime of violence.

EXPENDITURES	2014-15	2015-16	2016-17	2017-18	2018-19	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2014-15	2015-16	2016-17	2017-18	2018-19	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed legislation could result in a potential savings to the Department of Corrections. Proposed law authorizes the waiver of minimum mandatory sentences for certain crimes of violence. These provisions would reduce the length of time offenders are sentenced to incarceration; therefore, for each offender affected by the proposed legislation in the future (assuming the offender is actually granted the waiver of minimum mandatory sentences) the state would realize a cost savings of \$17,804 or \$8,902 per offender annually (\$24.39 per offender, per day housed at the local level x 365 days).

To the extent that offenders are released from state facilities, the decrease is \$52.51 per day, per offender or \$19,167 annually.

Savings are more likely to be incurred for offenders housed at the local level due to state facilities backfilling beds in a more timely manner. Any savings may also be reduced by recidivism.

Currently, there are 6,185 offenders incarcerated for certain crimes of violence with an average sentence length of 16.5 years.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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|-----------------------------------------------------------------------------|----------------------------|--------------|--------------------------------------------------------------------------------------------|
| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | | | <input type="checkbox"/> 6.8(F)(2) >= \$500,000 State Rev. Reduc. {H & S} |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | | | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

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