



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 90** HLS 16RS 365
Bill Text Version: **ORIGINAL**
Opp. Chamb. Action:

Proposed Amd.:
Sub. Bill For.:

Date: March 17, 2016 3:52 PM	Author: HALL
Dept./Agy.: Corrections	
Subject: Parole Eligibility Provisions	Analyst: Monique Appeaning

CRIMINAL/SENTENCING OR DECREASE GF EX See Note Page 1 of 2
Amends parole eligibility provisions for certain crimes of violence

Proposed law retains that provision of present law with respect to parole eligibility after serving at least 85% of the sentence imposed for those convicted of first degree murder, second degree murder, first degree rape, second degree rape, third degree rape, sexual battery, second degree sexual battery, intentional exposure to AIDS virus, aggravated kidnapping, second degree kidnapping, aggravated arson, armed robbery, carjacking, armed robbery with the use of a firearm, second degree robbery, disarming a peace officer, trafficking of children for sexual purposes, human trafficking, and home invasion. Proposed law provides that a person convicted of all other crimes of violence and not otherwise ineligible for parole shall serve at least 75% of the sentence imposed before being eligible for parole.

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
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	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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

The proposed legislation may result in an indeterminable decrease in state general fund expenditures as a result of amending the parole eligibility for offenders convicted of certain violent crimes. The exact fiscal impact of the passage of this legislation is indeterminable, since the legislation allows certain offenders convicted of violent crimes to become parole eligible earlier and it is not known how many offenders will be granted parole. However, any offender released from a correctional facility and placed on parole supervision decreases expenditures of the Department of Public Safety and Corrections (DPSC) - Correction Services by \$21.84 (\$24.39 per day - \$2.55 parole supervision per day) per day per offender in local facilities. To the extent that offenders are released from state facilities, the decrease per day per offender is \$49.13 (\$51.68 per day - \$2.55 parole supervision per day). Currently, the (DPSC) - Correction Services houses 50% of state offenders at the local level and 50% at the state level.

Under current law, all offenders convicted of a violent crime as listed in R.S. 14:2(B) are eligible for parole after serving 85% of their imposed sentence. The proposed legislation allows for offenders convicted of certain crimes listed as violent crimes to be eligible for parole after serving 75% of their imposed sentence. The crimes which would be eligible for parole after serving 75% of the imposed sentence are as follows: solicitation for murder, manslaughter, aggravated battery, second degree battery, aggravated assault, mingling harmful substances, simple kidnapping, aggravated criminal damage to property, aggravated burglary, first degree robbery, simple robbery, purse snatching, extortion, assault by drive-by shooting, aggravated crime against nature, illegal use of weapons or dangerous instrumentalities, terrorism, aggravated second degree battery, aggravated assault upon a peace officer with a firearm, aggravated assault with a firearm, stalking, second degree cruelty to juveniles, aggravated flight from an officer, battery of a police officer, domestic abuse aggravated assault, and vehicular homicide when the operator’s blood alcohol concentration exceeds 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood.

According to the (DPSC) - Correction Services, there are 3,102 offenders incarcerated for the crimes listed above serving an average imposed sentence of 16.15 years. Under current law, using the average imposed sentence, an offender would be eligible for parole after serving 13.73 years (16.15 years x 85% imposed sentence). **Continued on Page 2**

REVENUE EXPLANATION

The proposed legislation may result in an indeterminable increase in self-generated revenue as a result of offenders convicted of violent crimes becoming parole eligible earlier, thus being released into parole supervision. For each offender that is released to parole at an earlier date, the (DPSC) - Correction Services could collect up to \$63 per month from each offender under parole supervision. It should be noted that the maximum amount paid per month is \$63 and the offender’s ability and amount he is required to pay is determined by Probation and Parole.

Senate	Dual Referral Rules	House	
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}	<input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}		<i>Evan Brasseaux</i>
<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}		Evan Brasseaux Staff Director



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CONTINUED EXPLANATION from page one: Page 2 of 2

Expenditure Explanation Continued from Page 1

Under the proposed legislation, using the average imposed sentence, an offender would serve 12.11 years before parole eligibility (16.15 years x 75% imposed sentence), a decrease of 1.62 years (13.73 years - 12.11 years). To the extent an offender, on average, served 1.62 less years, the savings to the state would be \$12,914 (1.62 less years x \$21.84 per day x 365 days) if housed in a local facility and \$29,051 (1.62 less years x \$49.13 per day x 365 days) if housed in a state facility. In addition, the (DPSC) - Correction Services three year average of paroles granted was 51.5% of the cases heard before the board. For illustrative purposes, should the parole granting rate remain static at 51.5%, it is possible that 1,598 (3,102 offenders x 51.5% granted parole) offenders convicted of the mentioned violent crimes may be released on parole over the course of their imposed sentence for an estimated annual savings of \$28,656,055 (1,598 offenders x \$49.13 daily savings if housed in a state facility x 365 days). It should be noted that the savings indicated above are estimates and may be negated by back-filling beds and recidivism.

Senate Dual Referral Rules House

- ☐ 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}
- ☐ 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}
- ☐ 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}

Evan Brasseaux

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Staff Director