

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 228** HLS 12RS 868  
 Bill Text Version: **ENROLLED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> May 15, 2012 3:03 PM	<b>Author:</b> SMITH, PATRICIA
<b>Dept./Agy.:</b> Corrections	<b>Analyst:</b> Matthew LaBruyere
<b>Subject:</b> Good Time	

CRIMINAL/PROCEDURE EN DECREASE GF EX See Note Page 1 of 1

Authorizes the earning of additional good time by certain habitual offenders for participation in certain rehabilitation and treatment programs

Present law prohibits certain habitual offenders from earning good time diminution of sentence.

Proposed legislation allows a habitual offender, in the custody of DPS&C, who was not convicted of a sex offense or a crime of violence, to earn additional good time for participation in certified treatment and rehabilitation programs.

<b>EXPENDITURES</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>						

<b>REVENUES</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

The proposed legislation may result in an indeterminable decrease in state general fund expenditures as a result of allowing offenders, sentenced as habitual offenders, to earn good time for participation in treatment and rehabilitation programs. The exact fiscal impact of the passage of this legislation is indeterminable, since the legislation allows habitual offenders to earn good time credits and it is not known how many offenders will participate in the programs and earn the credits. However, any offender released from a state correctional facility and placed on parole supervision decreases expenditures of the Department of Corrections (DOC) by \$48.33 per day (\$50.75 per day - \$2.42 parole supervision per day).

The proposed legislation allows habitual offenders to earn 90 days of good time credit for satisfactory participation in a treatment or rehabilitation program, which non-habitual offenders can earn under current law. To the extent a habitual offender satisfactorily participates in a program and earns 90 days in good time credits, the Department of Corrections may save \$4,350 (\$48.33 cost per day x 90 days earned credit) if the offender is released 90 days earlier.

In addition, the proposed legislation allows habitual offenders to earn a total of 250 days of good time for satisfactory participation in treatment or rehabilitation programs, which non-habitual offenders can earn under current law. To the extent a habitual offender satisfactorily participates in programs and earns 250 days in good time credits, the Department of Corrections may save \$12,083 (\$48.33 cost per day x 250 days earned credit) if the offender is released 250 days earlier.

According to the Department of Corrections, there are a total of 3,396 offenders in DOC custody that were convicted as habitual offenders. There were 493 habitual offenders admitted in 2010 and 544 habitual offenders admitted in 2011.

It should be noted that the savings indicated above are estimates and may be negated by back-filling beds and recidivism.

**REVENUE EXPLANATION**

The proposed legislation may result in an indeterminable increase in self-generated revenue as a result of offenders earning additional good time credits, thus being released into parole supervision. For each offender that is released to parole at an earlier date, the Department of Corrections 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 the Board of Parole.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>	
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}	<input type="checkbox"/> 6.8(F)1 >= \$500,000 Annual Fiscal Cost {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}		<b>Evan Brasseaux</b> Staff Director