

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4419-01
Bill No.: SB 674
Subject: Crimes and Punishment; Corrections Department; Governor; Prisons and Jails
Type: Original
Date: February 5, 2016

Bill Summary: This proposal provides a process for the Parole Board to review the case histories of offenders serving more than 15 years in prison and recommend clemency or allow release on parole.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	\$13,100	\$32,069	\$49,065
Total Estimated Net Effect on General Revenue	\$13,100	\$32,069	\$49,065

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** state the impact of the proposed changes to the statutes would result in the Parole Board performing as many as 414 (1,243/3) additional clemency reports each year on average. However, given that these are generally violent offenders who have committed serious crimes, it is not expected that very many would have clemency recommended by the board or receive clemency under this bill. The impact of the proposed change dealing with early parole cannot be accurately determined based upon DOC records.

However, we suggest that the number of offenders released based upon this bill would likely not be too large, and could stabilize at approximately 20 fewer offenders in prison by FY21.

Therefore, the impact of the legislation will be the cost avoidance from releasing 20 offenders offset by the cost of parole supervision for those 20 individuals.

The FY15 average cost of supervision is \$6.04 per offender per day or an annual cost of \$2,205 per offender. The DOC cost of incarceration is \$16.809 per day or an annual cost of \$6,135 per offender.

The DOC assumes this legislation will result in long term cost avoidance. This legislation will be fully implemented in the 5th year and would result in releasing 20 offenders to supervision.

In summary, DOC assumes a savings to the General Revenue Fund of \$13,100 in FY 2017 (4 people moved to supervision), \$32,069 in FY 2018 (8 people moved to supervision), \$49,065 in FY 2019 (12 people moved to supervision), and approximately \$85,000 in FY 2021 and thereafter (20 people moved to supervision).

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Office of Prosecution Services, Office of the State Courts Administrator, Office of the Governor, and Office of the State Public Defender** each assume the proposal would not have a fiscal impact on their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
GENERAL REVENUE			
<u>Savings</u> - Department of Corrections from reduced incarceration expense for offenders that meet the criteria in the proposal and are released	<u>\$13,100</u>	<u>\$32,069</u>	<u>\$49,065</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$13,100</u>	<u>\$32,069</u>	<u>\$49,065</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act requires the Board of Probation and Parole to review the case history and prison record of any offender who is incarcerated and serving a sentence of more than 15 years who has no prior felony convictions, has served at least 15 years, and has exhausted all state and federal appeals.

Following the review, the Board must report, within a reasonable time, a recommendation to the governor on whether to deny or grant executive clemency.

If the Board finds during the review that the offender has ever been physically, mentally, emotionally, or sexually abused, or the offender's age, maturity level and any other influence at the time of the offense affected the offender's judgement, then the offender shall be eligible for parole.

When deciding whether to recommend a grant or denial of executive clemency, the Board must consider the length of time served, the offender's prison record and self-rehabilitation efforts, evidence of abuse, the offender's role in the crime and the degree of violence exhibited, whether a

FISCAL DESCRIPTION (continued)

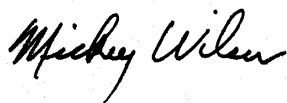
plea bargain was offered, the severity of the sentence received in comparison to the offender's role in the crime, the age and maturity of the offender and any contributing influence affecting the offender's judgement, and whether the offender has given substantial thought to a workable parole plan.

Any offender's case that is reviewed must be re-reviewed every three years the offender remains incarcerated.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Office of the Governor
Attorney General's Office
Office of Prosecution Services
Office of the State Public Defender
Office of the State Courts Administrator



Mickey Wilson, CPA
Director
February 5, 2016

Ross Strobe
Assistant Director
February 5, 2016