

Department of Planning and Budget

2010 Fiscal Impact Statement

1. Bill Number: HB 151

House of Origin	<u>X</u>	Introduced	<u> </u>	Substitute	<u> </u>	Engrossed
Second House	<u> </u>	In Committee	<u> </u>	Substitute	<u> </u>	Enrolled

2. Patron: O'Bannon

3. Committee: Militia, Police and Public Safety

4. Title: Jail credits while on home/electronic monitoring

5. Summary:

Under current law, persons sentenced to 12 months or less in jail for a misdemeanor shall earn good conduct credit at the rate of one day for each day served. In addition, the sheriff or regional jail administrator may award additional credits for participating in work assignments, class, or local work programs. These additional credits shall be awarded at the rate of five days for every 30 days served. All the credits shall be allowed to a prisoner for such time he is confined in jail.

The proposed legislation would provide that the credits would be allowed also for any time that an offender was assigned to a home/electronic incarceration program.

6. Fiscal Impact Estimates: Indeterminate. See Item 8.

7. Budget Amendment Necessary: None.

8. Fiscal Implications:

The proposed legislation could result in a reduction in the populations of jails, thereby reducing local costs.

Under current policy, offenders in home/electronic incarceration programs do not receive credits toward reduction of their jail sentences. According to information provided by sheriffs, regional jail administrators, and officials in the Department of Corrections, many offenders choose to serve their entire sentence in jail, rather than participate in a home/electronic program, because they can get credits toward the reduction of their sentences while in jail, thereby reducing the amount of time they are under supervision. To the extent that more offenders participated in home/incarceration programs as a result of the proposed legislation, the number of offenders physically present in jails would be reduced, thereby alleviating crowding and reducing the operational costs incurred by sheriffs and regional jail administrators.

Increasing the use of home/electronic incarceration would have additional fiscal benefits. State law authorizes sheriffs and regional jail administrators to charge offenders a fee to cover the cost of the home/electronic incarceration equipment. The law also requires any wages earned by offenders while participating in a home/electronic incarceration program to be paid to the sheriff or regional jail administrator. That official is required to use the funds collected to pay any child support the offender owes; pay any fines or costs owed by the offender; and pay costs of the offender's keep before distributing any to the offender.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/2/2010 dpb

G:\LEGIS\Fis-10\Fis Template.Doc Dick Hall-Sizemore