

## **Department of Planning and Budget 2011 Fiscal Impact Statement**

**1. Bill Number: HB 392**

House of Origin    ☒ Introduced    ☐ Substitute    ☐ Engrossed  
Second House    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron: Howell, A.T.**

**3. Committee: Militia, Police and Public Safety**

**4. Title:** Three strikes rule

**5. Summary:**

Under current law, any person convicted of three separate felony offenses of murder, rape, or armed robbery, or any combination thereof, when such offenses were not part of a common act, shall not be eligible for parole. If the Department of Corrections determines that an offender is not eligible for parole under this provision, the Parole Board may review that determination and make a determination for parole eligibility pursuant to its regulations.

The proposed legislation would direct the Parole Board to consider a petition for reconsideration of ineligibility for any offender who met the following criteria:

- Was convicted only of robbery;
- Did not injure or attempt to injure anyone;
- Did not have assistance of counsel in preparing a petition for review of ineligibility previously considered on its merits;
- Has been continuously confined for at least 15 years; and
- Has a record of good conduct during confinement.

Furthermore, the bill authorizes the Parole Board, in its discretion, to determine that multiple offenses “constitute parts of a common scheme or plan if those offenses occurred within a period of 12 weeks or less.”

**6. Budget Amendment Necessary:** None.

**7. Fiscal Impact Estimates:** Indeterminate. See Item 8.

**8. Fiscal Implications:**

The legislation could have the effect of increasing the workload of the Parole Board. On the other hand, if the legislation were enacted and resulted in an increase in the number of

offenders paroled, it could reduce the bed space needs of the Department of Corrections. Although the number of offenders that would meet the criteria specified in the legislation is unknown, it is likely that the number is not sufficient to have a noticeable impact on the prison population.

**9. Specific Agency or Political Subdivisions Affected:**

Department of Corrections  
Parole Board

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

**Date:** 1/16/2012

**Document:** G:\LEGIS\fis-12\hb392.doc Dick Hall-Sizemore