

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: HB 1989

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

2. Patron: McClellan

3. Committee: Militia, Police and Public Safety

4. Title: Earned sentence credits

5. Summary:

Currently, inmates can earn a maximum of four and one half sentence credits for each 30 days served, with the result that they must serve at least 85 percent of their sentences.

The proposed legislation would allow inmates, with some exceptions, to earn up to 15 credits for each 30 days served. The exceptions would be inmates who, on or after July 1, 2013, had been sentenced upon conviction of first degree murder or rape/sexual assault offenses; those offenders could earn up to 10 credits for each 30 days served, half of which credits would be applied to reduce the time the offender would be eligible for parole consideration. The effect would be that most inmates entering prison on or after July 1, 2013 would serve at least 50 percent of their sentences, while those convicted of murder or violent sexual offenses would serve at least 67 percent of their sentences.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications:

The proposed legislation would result in inmates serving less time on their sentences, thereby decreasing the size of the prison population. The projected effect on the size of the state responsible inmate population of the legislation is shown in the table below. The projections are based on the assumption that the legislation would be effective for inmates now incarcerated, but would be effective only for time to be served in the future and would not be retroactive.

	Current State Responsible Forecast	Adjusted Forecast under HB 1989	Difference
FY 2014	37,579	32,143	(5,436)
FY 2015	37,759	30,960	(6,799)
FY 2016	37,736	30,278	(7,458)
FY 2017	37,972	29,854	(8,118)
FY 2018	38,202	29,584	(8,618)

The fiscal implications of such decreases in the number of state responsible offenders would be significant. Without additional information, however, it is not feasible at this time to project likely savings and costs. Nevertheless, it is possible to identify areas in which savings could be realized. Even after reducing the backlog of state offenders now being held in local and regional jails, the Department of Corrections (DOC) could possibly close one or more correctional facilities. In addition to savings for DOC, the state would save on its per diem payments to local and regional jails for holding state responsible offenders.

Counterbalancing these possible savings to some extent would be the need to increase the number of probation and parole officers to supervise the large number of offenders who would be released from prison earlier than expected under the current law. Also, DOC would need additional funding to reprogram its time-calculation software to account for the change in earned sentence credits.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Local and regional jails

10. Technical Amendment Necessary: It is recommended that the legislation be amended to clarify the following:

- a. Whether it applies to offenders already incarcerated or only to those convicted on and after the effective date of the bill.
- b. Whether the new sentence credits would be effective only on time to be served after the effective date of the bill or whether it would be retroactive.

11. Other Comments: None.

Date: 1/16/2013

Document: G:\LEGIS\fis-13\Hb 1989.docx Dick Hall-Sizemore