

## **Department of Planning and Budget 2014 Fiscal Impact Statement**

**1. Bill Number: HB 868**

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

**2. Patron: Yost**

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

**4. Title: Release of geriatric inmates**

**5. Summary:**

Under current law, an inmate who has reached (i) the age of 65 or older and who has served at least five years of his sentence or (ii) who has reached the age of 60 or older and who has served at least 10 years of his sentence may petition the Parole Board for conditional geriatric release. The only exception is any inmate convicted of a Class 1 felony, which has a sentence of death or life in prison.

The proposed legislation would expand the list of offenders who would not be eligible to petition for conditional release to include offenders (i) convicted of any of the “acts of violence” listed below and (ii) who were, at the time of the offense, subject to a protective order and the victim of the offense was the protected person under the order. The relevant violent offenses are:

- Murder
- Voluntary manslaughter
- Mob-related offenses
- Kidnapping
- Malicious assault
- Malicious bodily wounding
- Robbery
- Carjacking
- Sexual assault
- Arson

**6. Budget Amendment Necessary: No.**

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

**8. Fiscal Implications:**

By increasing the number of offenders ineligible to petition for conditional release, the proposed legislation could result in some offenders staying longer in prison when they otherwise would have been granted conditional release. However, the impact on DOC is expected to be minimal.

DOC does not have sufficient data to identify how many offenders would be affected by the proposed legislation. It has conviction data, but cannot identify how many of the offenders who committed one of the listed offenses also were the subjects of protective orders and their victims were the persons protected by the order. Currently, there are 859 offenders housed in DOC facilities who were convicted of one of the offenses set out above and will reach the age and time served criteria for conditional geriatric release before their sentences are served. Of that number, 38 would be eligible in FY 2015 and another 19 in FY 2016. The vast majority, 700, would not be eligible until after FY 2020. After accounting for those offenders in this group who were not subject to a protective order at the time of the offense, the number of offenders affected by the legislation will likely be significantly smaller.

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

Department of Corrections  
Parole Board

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

**11. Other Comments:** None.

**Date:** 1/20/2014

**Document:** G:\LEGIS\fis-14\hb868.docx Dick Hall-Sizemore