

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4301-01
Bill No.: HB 1067
Subject: Crimes and Punishment; Criminal Procedure; Probation and Parole
Type: Original
Date: January 25, 2012

Bill Summary: This proposal requires the Board of Probation and Parole to review the case history of certain convicted offenders serving sentences of more than 15 years or life without parole.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
Total Estimated Net Effect on General Revenue Fund	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> 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 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on FTE	0	0	0

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Governor** assume the proposal would not create a fiscal impact to their agency.

Officials from the **Department of Corrections (DOC)** assume the fiscal impact due to passage of this proposal is “Unknown” for the DOC. The Probation and Parole Board recommendations cannot be estimated, nor can actions of the Governor. Any paroles and/or pardons could result in incarceration savings due to release from prison, but this impact cannot be estimated.

In response to other legislation from this year, DOC stated the cost for incarceration is \$6,160 per inmate per year and the cost for supervision provided by the Board of Probation and Parole is \$1,869 per offender per year.

Oversight will range the fiscal impact from this proposal from \$0 (no clemency awarded) to DOC’s estimate of an unknown amount of savings.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
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GENERAL REVENUE FUND

<u>Savings – Department of Corrections</u>			
Potential reduced incarceration time	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>

ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<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 proposal requires the Board of Probation and Parole within the Department of Corrections to review the case history and prison record of any offender incarcerated with a sentence of more than 15 years imprisonment or life without parole if the offender has no prior felony conviction, has served at least 15 years of the sentence, and has exhausted all of his or her state and federal appeals. After study and review and within a reasonable amount of time, the board must submit a report to the Governor with a recommendation to grant or deny executive clemency. A copy of the report must also be given to the offender at the same time it is presented to the Governor.

An offender will be eligible for parole after serving at least 15 years of a sentence if his or her history includes evidence of physical, mental, emotional, or sexual abuse; age and maturity at the time of the crime and any contributing influence affected the offender's judgment; prior convictions, if any, do not include any felony conviction; and appeals in state and federal courts have been exhausted.

When deciding whether to recommend executive clemency, the board must consider:

- (1) Length of time served;
- (2) Prison record and self-rehabilitation efforts;
- (3) Whether the history of the case included evidence of abuse of the offender;
- (4) The offender's role in the perpetration of the crime and the degree of violence exhibited;
- (5) If an offer of a plea bargain was made and if so, why the offender rejected or accepted the offer;
- (6) The severity of the sentence received considering the offender's role in the crime;
- (7) The age and maturity of the offender at the time of the crime and any contributing influence affecting the offender's judgment; and
- (8) Whether the offender has given substantial thought to a workable parole plan.

RS:LR:OD

FISCAL DESCRIPTION (continued)

If an offender remains incarcerated, his or her case must be again reviewed and a recommendation made every three years. The proposal cannot limit the review of a case of any offender who has applied for clemency or limit the Governor's power to grant clemency.

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



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Director
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