

STATE FISCAL IMPACT

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SHORT TITLE: EARNED TIME IN CORRECTIONS

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue		
State Expenditures	Increase - see State Expenditures section.	
FTE Position Change		
Appropriation Required: None.		

^{*} This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

Under current law, certain earned time that is awarded to an offender being supervised by the Department of Corrections (DOC) vests and may not be revoked or withdrawn. This bill eliminates the vesting of earned time and allows it to be withdrawn. It also requires the DOC to withdraw any earned time for an offender if, following an administrative hearing, it determines that the offender has engaged in a crime of violence while incarcerated or on parole.

Background

Currently, if an offender is suspected of committing a crime of violence while under the supervision of the DOC, he or she is referred for criminal prosecution. If the offender is incarcerated, he or she may also receive, through an administrative hearing, a code of penal discipline violation and may not be awarded earned time for at least three months. If the offender is on parole, an administrative hearing is held where his or her parole is revoked and earned time may be withdrawn. This bill would allow the DOC to withdraw additional earned time as it determines for any reason. It would also require the DOC to withdraw all earned time for a person it determines has engaged in a crime of violence, whether or not that person was adjudicated.

State Expenditures

As discussed below, this bill will increase expenditures for the DOC by an indeterminate amount.

Removal of vesting of earned time. The bill removes vesting of earned time for all offenders. To the extent that the DOC withdraws earned time from offenders that it would have previously considered vested, the bill will increase expenditures by increasing the length of stay for these offenders. The impact of this provision is conditional upon future actions by offenders and

the results of administrative hearings and cannot be determined. The fiscal note assumes that to the extent this occurs, the DOC will request increases in appropriations through the annual budget process.

Removal of earned time for additional crimes of violence. The bill requires the DOC to remove earned time for any offender that is found, through an administrative hearing, to have engaged in a crime of violence while under the department's supervision. The effect of this provision is to increase the length of stay for any such offender by an indeterminate amount. For offenders that are not adjudicated, this bill could increase expenditures beginning in FY 2014-15. There is no data from which to estimate the number of offenders this could apply to or how much earned time would be withdrawn. This fiscal note assumes that should this occur, the DOC will request additional appropriations through the annual budget process.

For offenders that are convicted of additional crimes of violence, the bill would extend the offender's sentence following completion of the sentence for the new crime. Crimes of violence are subject to sentences of at least the midpoint and up to twice the maximum in the presumptive range for the class of felony. For instance, a person convicted of a class 3 felony crime of violence is subject to a sentence of between 8 and 24 years in prison. Based on offenses committed in 2012 and sentenced in 2013, the fiscal note assumes that 30 offenders per year would have their lengths of stay increased by an average of 8.5 months. However, because the increased length of stay would not be realized until the end of the new sentence, which is likely to be significant, no fiscal impact is anticipated for this group of offenders within the next five years.

Effective Date

The bill takes effect August 6, 2014, if the General Assembly adjourns on May 7, 2014, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Corrections