

BILL SUMMARY
1st Session of the 59th Legislature

Bill No.:	HB2946
Version:	INT
Request Number:	8409
Author:	Bashore
Date:	2/5/2024
Impact:	DOC: See analysis below State Budget: Minimal

Research Analysis

HB 2946 creates Lauria and Ashley's Law. The measure requires persons convicted of accessory to murder in the first degree or accessory to murder in the second degree to serve not less than 85% of any sentence imposed before eligible for parole.

Prepared By: Brad Wolgamott

Fiscal Analysis

This measure would apply the 85% rule to felony O.S. 21-175 Accessory to Murder charges. According to officials with the Department of Corrections (DOC), the average sentence length is 3396 days (9.30 years), however the average time served for this crime is 1110 days (3.04 years). Assuming that sentence length stays the same, if the 85% rule were applied to these sentences, the average time served would increase to 2886 days (7.90 years). This creates an increase of 1776 days (4.87 years) of time served per sentence.

	Before 85% Rule	After 85% rule
Average sentence length	3396 days (9.30 years)	3396 days (9.30 years)
Average days served	1110 days (3.04 years)	2886 days (7.90 years)
Increase in time served per inmate		1776 days (4.87 years)

The DOC's FY2022 Marginal Cost of Incarceration per Inmate was \$16.60/day (\$6,059/year). Annual reception for O.S. 21-175 over a 10 year span (FY2013-FY2022) varies significantly, with as many as 26 individuals being received in FY2017 and as few as 1 individual being received in FY2021.

DOC FY2022 Marginal Cost of Incarceration per Inmate	Min/Max Reception for O.S. 21-175 Accessory to Murder (FY2013-FY2022)	
		Annual Inmates Received
	Minimum (2021)	1
	Maximum (2017)	26
\$16.60/day (\$6,059/year)		

If the 85% rule is applied to O.S. 21-175 Accessory to Murder, the 1776 day increase in time served would, on average, cause the DOC to incur an *estimated total cost increase of \$29,481.60 per inmate sentenced (\$6,059/year for 4.87 years per inmate sentenced).*

Average total cost increase to DOC per inmate sentenced	\$29,481.60 (\$6,059/year for 4.87 years per inmate sentenced)
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The cost increase to DOC would come sometime during the third year after this measure takes effect. This is due to the fact that inmates sentenced for this crime who would have otherwise been approaching the previous 3.04 average sentence length will instead continue to remain incarcerated. Given that the DOC will likely use existing budgetary resources to absorb these costs in the short term, not impacting the budget. DOC may request appropriation increases in future years to deal with increases to inmate population resulting from the measure.

Prepared By: Robert Flipping IV, House Fiscal Staff

Other Considerations

None.