

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 There is no data from which to estimate the number of offenders this could apply to or how much earned time would be withdrawn.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