



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
(803)734-0640 • RFA.SC.GOV/IMPACTS

Bill Number: S. 0155 Amended by Senate Corrections and Penology Subcommittee on January 16, 2019
Author: Allen
Subject: Early Release Eligibility
Requestor: Senate Corrections and Penology
RFA Analyst(s): Gardner
Impact Date: February 14, 2019

Fiscal Impact Summary

The expenditure impact of this bill is pending, contingent upon a response from the Department of Probation, Parole and Pardon Services.

The Department of Corrections reports there would be no expenditure impact to the General Fund, Other Funds, or Federal Funds because "no parole" offenders would serve a smaller percentage of their sentences and reduce correctional facility expenditures on the grounds that the length of incarceration will be shortened.

Explanation of Fiscal Impact

Amended by Senate Corrections and Penology Subcommittee on January 16, 2019

State Expenditure

This amended bill provides that, under certain circumstances, an inmate convicted of a "no parole" offense who has served fifty percent of his sentence will be eligible for release, discharge, and community supervision once he has served at least sixty-five percent of his sentence. The amended bill extends community supervision programs administered by the Department of Probation, Parole and Pardon Services from lasting no more than two continuous years to lasting no more than five continuous years, or a period that equals eighty-five percent of an inmate's original sentence, whichever is less. In the instance a general sessions court finds that a person under community supervision willfully violates any terms or conditions of the program, the court may impose any other terms or conditions considered appropriate and may either continue the prisoner on community supervision or revoke his supervision and impose a sentence of up to the remaining original sentence. The bill also deletes a provision prohibiting a prisoner who has been returned to prison for a community supervision violation from eligibility to earn behavior, work, or education credits that would reduce his sentence time. A prisoner's community service supervision may be revoked for violations of any term or condition of the program or for other offenses. Should the court order a prisoner to re-incarceration for such violations, the prisoner must, upon his release, complete a community supervision program for a period to be determined by the Department of Probation, Parole and Pardon Services.

Department of Probation, Parole and Pardon Services. The expenditure impact of this bill is pending, contingent upon a response from the agency.

Department of Corrections. This amended bill provides that, under certain circumstances, an inmate convicted of a "no parole" offense who has served fifty percent of his sentence will be eligible for release, discharge, and community supervision once he has served at least sixty-five percent of his sentence. Inmates who are released under these provisions must stay under subsequent community supervision for a period not less than what would constitute eighty-five percent of his original sentence. For the purposes of calculating the required percentages of time served, an inmate's work, education, and good conduct credits must be applied, minus any portion of the sentence which has been suspended.

The department's initial fiscal analysis of the bill considers only future admissions to state correctional facilities. As the department cannot determine which future admissions will meet the criteria required for early release, discharge, and community supervision, the department's initial analysis presumes that all admitted inmates with "no parole" offenses meet the eligibility criteria. Prison work and education credits are capped at six days per month, and good conduct credits are capped at three days per month. Should an inmate accrue the maximum capped credit amounts to meet the required sixty-five percent service time, he would serve approximately fifty percent of his actual term of imprisonment. Therefore, "no parole" offenders would serve a smaller percentage of their sentences and reduce correctional facility expenditures because the length of incarceration will be shortened. As a result, there would be no expenditure impact to the General Fund, Other Funds, or Federal Funds.

State Revenue

During FY 2017-18, 822 offenders with "no parole" offenses were admitted to state correctional facilities, and their average sentence time was 13.1 years. In considering this data, the department estimates the bill will reduce the average daily inmate population (ADP) gradually over time by a total of at least 3,776 inmates by the year 2062. By 2029, the ADP is estimated to be lower by at least 1,601 inmates than it would be under current operations, which would generate a cost savings of \$19,4551,714. By 2039, the costs savings would increase to \$98,032,462. Cost avoidance figures do not include a reduction in staffing costs. The department indicates this bill is not expected to reduce the number of staff members needed because historically correctional facility vacancies have remained high.

The Department of Corrections has also conducted a second fiscal analysis that applies the provisions of the bill to inmates who are currently incarcerated in state correctional facilities and have been convicted of "no parole" offenses other than those upon which the death penalty or a term of life imprisonment has been imposed. Due to the fact that the required re-entry programs are offered within the last six months of an inmate's incarceration and are not available to all inmates prior to their release, this factor is not included in the determination of who would be eligible for immediate release under the provisions of the bill. As of January 28, 2019, there were 3,480 "no parole" inmates who would be eligible for release on an earlier date based on the eligibility requirements outlined in the bill. These inmates would be released an average of 6.32 years earlier over the next 40 years, and 929 of them would immediately be eligible for release and community supervision. The 929 inmates eligible for immediate release would be released 5.22 years earlier than their original term of imprisonment. Using the department's FY 2017-18 variable daily cost per inmate of \$8.41 (which includes food and medical costs only), the immediate release of the 929 inmates would save approximately \$7,813 per day or \$2,851,705

over a year's time. The department's FY 2017-18 total daily cost per inmate (which includes food, medical, and capital costs) is \$59.61. Should a large group of inmate releases warrant the closure of a state correctional facility, significant costs savings could be attained.

Facility Level Released From	Number of Inmates
Minimum	144
Medium	576
Maximum	123
Female	84
Non-SCDC	2
Total	929

Source: SC Department of Corrections

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director