



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0155 Amended by Senate Corrections and Penology on February 26, 2019
Author: Allen
Subject: Early Release Eligibility
Requestor: Senate Corrections and Penology
RFA Analyst(s): Gardner
Impact Date: April 8, 2019

Fiscal Impact Summary

The Department of Corrections estimates that this bill will reduce expenditures and reduce the average daily inmate population (ADP) by at least 1,071 inmates by FY 2061-62 resulting in a cumulative cost savings of \$95,591,017 for the release of an inmate that has been convicted of a no parole offense and has had no substantial or major disciplinary infractions. In addition, the ADP will be reduced by 378 inmates and result in a variable cost savings of \$2,570,407 by FY 2049-50 for the retroactive provisions within this bill.

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

Explanation of Fiscal Impact

Amended by Senate Corrections and Penology on February 26, 2019

State Expenditure

This amended bill provides that, under certain circumstances, inmates convicted of a no parole offense may be eligible for early release, discharge, and community supervision depending on the type of conviction and time served. The bill also provides for sentence deduction credits for inmates convicted of a no parole offense for controlled substances or other illegal drugs when they have exhibited good behavior or have participated in academic, technical, or vocational training programs.

An inmate convicted of a no parole offense who has had no substantial or major disciplinary infractions, has completed a rehabilitation and re-entry program, and has served at least 77 percent of the original term of imprisonment imposed may be eligible for early release, discharge, and community supervision. Previously, an inmate meeting these conditions would have to serve at least 85 percent of his sentence before being eligible for early release.

The department reports that there were 823 new offenders admitted to the Department of Corrections with a no parole offense in FY 2017-18. Among this number there were 155 inmates with a no parole offense related to controlled substances or other illegal drugs. The 823 total offenders received an average sentence of 13 years. By 2029, the ADP will be 387 inmates lower than it would be without the implementation of the bill. The cumulative costs savings will be \$4,250,264 by 2029 and \$24,739,976 by 2039. Overall, the department estimates this portion of the bill will reduce the ADP by 1,071 inmates by FY 2061-62 with a cumulative cost savings

of \$95,591,017. The cost savings estimates do not include the possibility for a reduction in staffing.

Additionally, an inmate convicted of a no parole offense for controlled substances or other illegal drugs who has served at least 65 percent of the original term of imprisonment may now be eligible for early release, discharge, and community supervision. The provisions of this bill allow an inmate to earn sentence deduction credits at a rate of 6 days per month, which will be applied retroactively and begin with the day on which he began serving his sentence.

Previously, an inmate meeting these conditions would only be eligible for sentence deduction credits in the amount of 3 days per month. An inmate who meets the same criteria and has also participated in academic, technical, or vocational training programs may earn sentence deduction credits at a rate of 12 days per month, which will be applied retroactively and begin with the day on which he began serving his sentence. An inmate may earn an annual maximum of 144 days of sentence deduction credits. Previously, the annual maximum sentence deduction credit amount was 72 days. For purposes of calculating time served, no credits or portions of the sentence which have been suspended may be applied. A sentencing judge will be responsible for announcing the minimum and maximum terms of imprisonment.

Early release for inmates convicted of a no parole offense related to controlled substances or other illegal drugs will be applied retroactively. Among the Department of Corrections' current population, a total of 378 no parole inmates with drug related convictions would be eligible for release on an earlier date based on inmates having served 65 percent or more of their total sentence and having no major disciplinary infractions during their incarceration. The 378 inmates would be released on average 2 years and 2.6 months earlier, with the majority being released over the next 20 years. Of this group, 41 inmates would be immediately eligible for release at a cost savings of \$152,961 and 18 inmates would be released during the remainder of FY 2019-20 at a cost savings of \$91,980. Savings can be calculated by using the Department of Corrections' FY 2017-18 variable daily cost per inmate at \$8.41. The total variable cost savings for the retroactive provisions within this bill will be \$2,570,407 by FY 2049-50.

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

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director