



*Arkansas
Sentencing
Commission*

**Impact Assessment for HB 1713
Sponsored by Representative Lowery**

Subtitle TO ESTABLISH MURDER IN THE SECOND DEGREE AS A SEVENTY-PERCENT CRIME.

Impact Summary¹ Medium impact, requiring budgetary increases for the Arkansas Department of Correction (ADC) inmate cost of care.

Change from current law² Amends Arkansas Code Annotated § 16-93-612(e), concerning applicable dates for parole eligibility for certain offenses. If the felony is § 5-10-103, Murder in the second degree, and the offense occurred after the effective date of this proposed bill, § 16-93-618 governs that person’s parole eligibility.

Amends A.C.A. § 16-93-618(a), concerning which criminal offenses are seventy-percent offenses. The proposed bill adds § 5-10-103, Murder in the second degree, to the list of offenses for which any person who is found guilty of, or pleads guilty or nolo contendere to, must serve seventy percent (70%) of his or her sentence before becoming eligible for transfer to community correction supervision.

Impact Information

ADC data reports that 44 offenders were admitted in calendar year 2015 for § 5-10-103, Murder in the second degree, a Class A felony, with an average sentence of 286.1 months (23.84 years). Based on release data from calendar years 2014 and 2015, the percentage of sentence these offenders would serve under current law averages 39.4%, or approximately 112.68 months.

The following projection was prepared with the help of JFA Associates, Denver, CO, using the Wizard Micro-Simulation Projection Model. This impact assessment is based on data from the current prison population projection using ADC data from the calendar year ending December 31, 2015.

¹ This impact assessment was prepared 3/2/2017 (7:33 a.m.) by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Correction and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y	10-40 years or life	Class C	3-10 years; up to \$10,000	Misdemeanors	
Class A	6-30 years; up to \$15,000	Class D	0-6 years; up to \$10,000	Class A	Up to 1 year; up to \$2,500
Class B	5-20 years; up to \$15,000	Unclassified	As specified in statute	Class B	Up to 90 days; up to \$1,000
				Class C	Up to 30 days; up to \$500

The projected impact on the resources of ADC is shown in the following table. The impact represents the increase in the current baseline ADC population over the next ten-year period, assuming an implementation date of July 1, 2017. Additional budgetary requirements are calculated using \$22,086.15 as the average annual cost of care per inmate. This impact is limited to the effect of this proposed bill, meaning the cost listed is that which is above and beyond projected baseline prison population growth.

	Annual Increase in Population	Annual Increase in Cost of Care
2017	0	\$0.00
2018	0	\$0.00
2019	0	\$0.00
2020	3	\$66,258.45
2021	13	\$287,119.95
2022	25	\$552,153.75
2023	40	\$883,446.00
2024	52	\$1,148,479.80
2025	73	\$1,612,288.95
2026	87	\$1,921,495.05
		\$6,471,241.95