

LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT

LS 6989
BILL NUMBER: HB 1301

NOTE PREPARED: Jan 5, 2026
BILL AMENDED:

SUBJECT: Sentence modification.

FIRST AUTHOR: Rep. Smith V
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL
DEDICATED
FEDERAL**

IMPACT: Pending

Summary of Legislation: Requires the department of correction to issue a certificate of eligibility for rehabilitative release (certificate) to certain convicted persons. Provides that a certificate must be issued to the following: (1) A person sentenced for a crime other than murder who is at least 60 years of age, and has served at least 20 years in the department of correction. (2) A person serving a sentence for murder who is at least 62 years of age, and has served at least 30 years in the department of correction. Allows a convicted person who has received a certificate to file a petition for sentence modification without the consent of the prosecuting attorney. Provides certain criteria that the court must consider when ruling on a petition for sentence modification. Allows a court to grant a petition for sentence modification if the court finds, by clear and convincing evidence, that: (1) the convicted person is no longer a danger to public safety; (2) the convicted person has demonstrated significant rehabilitative efforts, including participation in educational, vocational, and therapeutic programs; and (3) the interest of justice supports sentence modification. Allows the state public defender to represent a convicted person on a petition for sentence modification that is based upon a certificate. Allows certain convicted persons to file a petition for sentence reduction. Requires a petition for sentence reduction to identify information related the convicted person, sentence sought to be reduced, and evidence in support of the request. Allows a court to dismiss an incomplete petition or set a hearing on a properly filed petition. Requires that notice of a hearing be served on the petitioner, convicted person, counsel, department of correction, prosecuting attorney, and the victim or witness. Requires a court to appoint a public defender to represent the convicted person. Provides that the court is to take certain factors into consideration when deciding a petition for sentence reduction. Specifies that if the evidence supports that the convicted person does not present a significant safety risk to the community, there is a rebuttable presumption that the convicted person's sentence should be reduced by at least 20%. Requires the court to issue a final appealable order with findings of fact.

Effective Date: July 1, 2026.

Explanation of State Expenditures: *As of the above date, the fiscal analysis of this bill has not been completed. Please contact the Office of Fiscal and Management Analysis for an update of this fiscal impact statement.*

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources:

Fiscal Analyst: Corrin Harvey, 317-234-9438.