

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 348** HLS 10RS 1317  
 Bill Text Version: **REENGROSSED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> June 7, 2010	2:46 PM	<b>Author:</b> LORUSSO
<b>Dept./Agy.:</b> Corrections		<b>Analyst:</b> Matthew LaBruyere
<b>Subject:</b> Possession of a firearm		

WEAPONS/FIREARMS RE INCREASE GF EX See Note Page 1 of 1  
 Amends penalties imposed for a convicted felon in possession of a firearm

Proposed legislation increases the maximum penalty from 15 to 20 years and otherwise retains the present law.  
Proposed legislation provides for a maximum penalty for an attempted offense of possessing or carrying a firearm by a person convicted of certain felonies including imprisonment at hard labor for not more than 7.5 years and fined not less than \$500 nor more than \$2,500.

<b>EXPENDITURES</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	SEE BELOW	SEE BELOW	SEE BELOW	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>REVENUES</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

The proposed legislation may result in an increase in state general fund expenditures for persons who are convicted of this crime and serve more than 15 years. Since the current law has a maximum sentence of 15 years, the proposed legislation would not increase expenditures unless the offender served an additional 1 to 5 years. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by \$24.39 per day per offender in local facilities. To the extent that offenders are sentenced and housed in state facilities, the cost per day per offender is \$54.49. Currently, the Department of Corrections houses 50% of state offenders at the local level and 50% at the state level.

According to the Department of Corrections there are currently 1,036 offenders incarcerated for the possession of a firearm with an average sentence of 12.4 years. In 2009 there were 215 admissions with an average sentence of 6.2 years and 149 releases with an average imposed sentence of 4.6 years and that served an average of 1.9 years.

It should be noted that any increase in expenditures would not be realized until after FY 13. To the extent an offender is sentenced to between 16 and 20 years, he would be eligible for parole in 8 years at the earliest if this is the offender's second felony conviction. With the average time served for offenders released in 2009 being 1.9 years, any increase in years sentenced would increase time served by the offender. If the conviction is the offender's third, under current law, he is not eligible for parole.

The proposed provision regarding imprisonment of not more than 7.5 years for an attempted offense does not increase state general fund expenditures since the current maximum length of imprisonment for attempt is 7.5 years.

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate  
 13.5.1 >= \$100,000 Annual Fiscal Cost  
 13.5.2 >= \$500,000 Annual Tax or Fee Change

House  
 6.8(F) >= \$100,000 Annual SGF Cost  
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease

*Robert E. Hosse*  
**Robert E. Hosse**  
**LFO Staff Director**