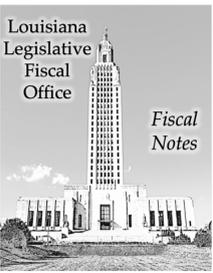


LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 11** HLS 25RS 52
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 6, 2025 4:38 PM	Author: BOYER
Dept./Agy.: Corrections, Sheriffs, and District Attorneys	Analyst: Daniel Druilhet
Subject: Sentencing of Violent Offenders	

CRIMINAL/SENTENCING OR SEE FISC NOTE GF EX Page 1 of 1
 Provides relative to sentencing for certain offenses

Proposed law provides that unless the district attorney files a bill of information accusing the person of a previous conviction pursuant to the Habitual Offender Law, a person convicted of a felony crime of violence shall, for a third conviction, be sentenced to not less than 50% of the maximum sentence prescribed for a first conviction; and for a fourth or subsequent conviction, be sentenced to not less than 75% of the maximum sentence prescribed for a first conviction; provides that the fact of a prior conviction may be submitted to a jury, and that a verdict may include a specific finding of fact as to that issue.

EXPENDITURES	2025-26	2026-27	2027-28	2028-29	2029-30	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW					
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW					
Annual Total						
REVENUES	2025-26	2026-27	2027-28	2028-29	2029-30	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety & Corrections - Corrections Services (DPS&C-CS) and an indeterminable increase in Local funds expenditures to District Attorneys.

Department of Public Safety & Corrections - Corrections Services - Proposed law may result in an indeterminable increase in SGF expenditures in DPS&C-CS, to the extent that a person is convicted of a third or subsequent violent offense. The proposed law has the effect of increasing the average length of sentences for third and fourth violent offense convictions, as it mandates that for a third conviction of a violent offense, those convicted are to be sentenced to no less than 50% of the maximum sentence prescribed for a first conviction, while for a fourth conviction of a violent offense, the sentence imposed must be 75% of the maximum allowed. The exact fiscal impact of the proposed law is indeterminable, because this legislation applies to third and fourth violent offenses, each of which has different maximum sentence lengths currently imposed, and it is impossible to predict the exact increase in average sentence lengths for future convictions.

For those convicted, sentenced, and then subsequently housed in a state facility, DPS&C-CS will sustain expenditures of \$107.60 per offender per day. For those convicted, sentenced, and then subsequently housed in a local facility, DPS&C-CS will sustain expenditures of \$26.39 per offender per day. DPS&C-CS advises that impacts on offender populations are anticipated to impact the number of offenders held in local facilities, and that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

District Attorneys - Proposed law may result in an indeterminable increase in Local funds expenditures to district attorneys. While the proposed law would require that district attorneys specifically allege and prove that an offender had a specified number of prior convictions, they would also be required to present evidence to a jury relating to the underlying offenses and prove their validity. To the extent that they may be required to potentially defend the constitutionality of the proposed law, district attorneys may be tasked with additional challenges related to prohibitions that limit the introduction of "other crimes, wrongs, or acts," imposed under evidentiary (La. C.E. Art. 404) and jurisprudential rules (*State v. Prieur*, 277 So. 2d 126). The exact fiscal impact to district attorneys is indeterminable, because there is no way to determine how often the new sentencing enhancements would be imposed, or the related costs of presenting constitutionally required evidence or litigating potential constitutional challenges to the statute.

REVENUE EXPLANATION

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

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Patrice Thomas
 Deputy Fiscal Officer