

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 1145** HLS 16RS 2963
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action: **w/ SEN COMM AMD**
 Proposed Amd.:
 Sub. Bill For.: HB 328

Date: May 23, 2016 2:36 PM	Author: LOPINTO
Dept./Agy.: Judiciary	Analyst: Zachary Rau
Subject: Sentences for Violations of Drug Court Probation	

COURTS/DISTRICT RE1 INCREASE GF EX See Note Page 1 of 1
 Provides sanctions for violations of drug division probation programs

Present law includes sanctions for drug court defendants under drug court probation who re-offend, including such as defendants receiving a new sentence, serving a suspended sentence, being remanded to DPS custody for a sentence of up to 6 months in the intensive incarceration program without diminution of sentence, sanctions pursuant to Article 900 of the Code of Criminal Procedure, extension of probation, or that the defendant continue treatment for an additional period. Proposed law deletes all potential sanctions except those allowing drug court justices to revoke probation and impose sentence or to order the defendant to serve a previously suspended sentence. Proposed law deletes provision of present law allowing violators of the of the drug division probation program who are sentenced to jail time for the offense to be entitled credit for time served in any facility with the charge before the court. Proposed law requires the LA Supreme Court to maintain information of the drug division probation program. Proposed law makes technical changes.

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2016-17	2017-18	2018-19	2019-20	2020-21	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law will increase SGF expenditures for the Dept. of Public Safety & Corrections (DPS) by an indeterminable amount. Proposed law deletes provision allowing drug court justices discretion over penalties when a drug court defendant violates provisions of drug court probation. Present law includes penalties such as defendants receiving a new sentence, serving a suspended sentence, being remanded to DPS custody for a sentence of up to 6 months in the intensive incarceration program without diminution of sentence, sanctions pursuant to Article 900 of the Code of Criminal Procedure, extension of probation, or that the defendant continue treatment for an additional period. Proposed law deletes all potential sanctions except those allowing drug court justices to revoke probation and impose sentence or to order the defendant to serve a previously suspended sentence. As a result, defendants who re-offend would be required to serve jail time rather than other penalties. The amount of defendants who may re-offend, as well as their potential sentences, are unknown. As a result, the expenditure increase associated with deletion of this provision is indeterminable. For reference, defendants remanded to DPS custody would be housed in local facilities at a rate of \$24.39 per day or at a rate of \$51.68 per day in state facilities. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

Proposed law deletes a provision of present law allowing drug court defendants credit for time served in any correctional facility for the charge before the court in the event the defendant violates the terms of the drug court probation. As a result, defendants will be required to serve the full length of the sentence without the benefit of credit for time previously served if they violate the terms of the drug court probation. The number of defendants violating drug court probation who will be sentenced to jail time and the length of their terms are unknown. As a result, any expenditure increase associated with deletion of this provision is indeterminable. For reference, defendants remanded to DPS custody would be housed in local facilities at a rate of \$24.39 per day or at a rate of \$51.68 per day in state facilities. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

Note: The provision requiring the LA Supreme Court to maintain data on drug court defendants has no fiscal impact as the court presently maintains said data.

REVENUE EXPLANATION

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

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| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} | |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} | |

Evan Brasseaux
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