

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 537** HLS 18RS 808

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: March 25, 2018 10:17 AM	Author: MARINO
Dept./Agy.: Corrections	Analyst: Monique Appeaning
Subject: Alternatives in lieu of incarceration	

PROBATION

OR SEE FISC NOTE GF EX

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Provides relative to probation for fourth noncapital felony offenses under certain circumstances

Proposed law changes certain parts of Code of Criminal Procedure Article 893 to authorize probation for persons convicted of a fourth noncapital felony offense upon approval by the district attorney and under certain circumstance enter and complete a mental health court program, Veterans Court program or a reentry court program.

EXPENDITURES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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						

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable decrease in SGF expenditures in the Department of Public Safety and Corrections - Corrections Services if a defendant is ordered by the court to participate in a certain court program in lieu of incarceration upon a fourth conviction of a noncapital felony. Proposed law adds to present law that the court may suspend, in whole or in part, the imposition of execution of the sentence and order a defendant to enter and complete a mental health court program, Veterans Court program or a reentry court program based on certain conditions.

To the extent defendants are ordered to enter and complete a mental health court program, Veterans Court program or a reentry court program, there is likely an indeterminable expenditure increase (reported as SGF in this fiscal note for simplicity but may be paid from multiple means of finance) for these programs.

If a defendant is ordered to enter and complete one the aforementioned court programs, Correction Services will likely incur SGF expenditures for each offender on probation. For each person on probation it would cost the state \$942 per offender annually (\$2.58 per day, per offender x 365 days).

REVENUE EXPLANATION

The Louisiana Code of Criminal Procedure (CCRP) 895.1(C) provides for a minimum monthly probation fee of \$60 up to a maximum of \$110 payable to the Department of Public Safety and Corrections or such other probation office, agency, or officer as designated by the court, to defray the cost of supervision. If the probation supervision services are rendered by an agency other than the department, the fee may be ordered payable to that agency. These fees are only to supplement the level of funds that would ordinarily be available from regular state appropriations or any other source of funding.

Present law also provides that the court may, in lieu of the monthly supervision fee, require the defendant to perform a specified amount of community service work each month if the court finds the defendant is unable to pay the minimum supervision fee. Therefore, the exact impact of the proposed law is not known as the court determines whether a fee is to be assessed or the convicted shall perform community service work.

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}

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