

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 195** HLS 18RS 718

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: March 26, 2018 3:21 PM	Author: MACK
Dept./Agy.: Corrections / Probation and Parole	Analyst: Monique Appeaning
Subject: Probation and Compliance Credit	

PROBATION EG INCREASE GF EX See Note Page 1 of 1
Provides relative to probation and the defendant's eligibility to earn compliance credits or early termination

Proposed law provides for the maximum duration of probation for defendants convicted of certain offenses, provides for earned compliance credits, provides a procedure by which the court determines whether a defendant has earned compliance credits toward his/her probation period and whether the probation term may be terminated early.

EXPENDITURES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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>	\$0
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.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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>	\$0
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will result in an indeterminable increase in SGF and SGR expenditures in the Department of Public Safety and Corrections - Corrections Services as a result of the maximum probation period for certain first, second and third convictions of a noncapital felony or for a fourth DWI conviction increasing from 3 years to 5 years, and provides for certain requirements to earn compliance credits for probation/early termination. For each offender on probation for the offenses listed above, it would cost the state \$941.70 per probationer annually (\$2.58 per day, per probationer x 365 days) or \$1,883.40 total per offender for the two year increase in probation (\$941.70 x 2 years).

REVENUE EXPLANATION

Proposed law will likely result in an increase in SGR as a result of increasing the maximum probation period from three to five years for certain first, second and third convictions of a noncapital felony or for a fourth DWI conviction. 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. Corrections Services reports that individuals released on probation are customarily assessed a monthly fee by the courts of approximately \$60.

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}

Evan Brasseaux

Evan Brasseaux
Staff Director