

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



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

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> April 3, 2018	9:24 AM	<b>Author:</b> MARINO
<b>Dept./Agy.:</b> Corrections		<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Alternatives in lieu of incarceration		

PROBATION

EG SEE FISC NOTE GF EX See Note

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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.

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

**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 or after a third or fourth conviction of operating a vehicle while intoxicated. 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 one of the aforementioned court programs, 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. The Legislative Fiscal Office believes that the cost of specialty courts and parole supervision is less than the cost to incarcerate.

If a defendant is ordered to enter and complete one of the aforementioned court programs, Correction Services will likely incur SGF expenditures for each person on probation. For each person on probation it would cost the state \$942 per probationer annually (\$2.58 per day, per probationer x 365 days). Proposed law prohibits probationers sentenced to certain specialty court programs from earning compliance credits. To the extent probationers are sentenced to certain specialty court programs, they will not be eligible to earn 30 days compliance credit for every full calendar month while on probation.

**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}

*Evan Brasseaux*  


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**Evan Brasseaux**  
**Staff Director**