

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 81** HLS 18RS 516
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 10, 2018	5:00 PM	Author: SMITH, P.
Dept./Agy.: Corrections		Analyst: Monique Appeaning
Subject: Crimes of Violence-Domestic Abuse/Battery of Dating		

DOMESTIC ABUSE OR SEE FISC NOTE GF EX Page 1 of 2
 Provides relative to battery of a dating partner, domestic abuse, and uniform abuse prevention orders

Proposed law adds domestic abuse battery, battery of a dating partner, and violation of a certain protection order to the crimes of violence listed in R.S. 14:2(B). Proposed law makes specific changes to the sentencing guidelines for domestic abuse battery and battery of a dating partner. Proposed law provides for the issuance of a Uniform Abuse Prevention Order when certain persons charged with a crime of violence are prohibited from communicating with the victim or the victim's family member.

EXPENDITURES	2018-19	2019-20	2020-21	2021-22	2022-23	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	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.	\$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						

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable change in SGF expenditures in the Department of Public Safety and Corrections - Corrections Services (Corrections Services) as a result of sentencing guideline changes that will in some cases potentially increase expenditures and in others reduce them. The net impact is indeterminable and dependent upon the number of arrests, convictions and sentencing outcomes of prospective crimes.

Proposed law may result in an indeterminable decrease in SGF expenditures in Corrections Services as a result of sentencing guideline changes pertaining to the **crimes of battery of a dating partner or domestic abuse battery** with respect to the "Dating Partner Abuse Child Endangerment Law." Present law imposes a maximum imprisonment term of four (4) years for certain persons convicted of battery of a dating partner if a minor child thirteen years of age or younger was present at the residence or any other scene at the time of the commission of the offense. Proposed law changes the maximum imprisonment term to three (3) years at hard labor. Currently, there are 2 offenders incarcerated for the crime of domestic abuse with child endangerment. In 2017 there was 1 admission and 2 releases with an average time served of 1.55 years.

Proposed law may result in an indeterminable decrease in SGF expenditures in Corrections Services as a result of sentencing guideline changes pertaining the **crimes of battery of a dating partner or domestic abuse battery** if the victim of the offense is pregnant and the offender knows that the victim is pregnant at the time of the commission of the offense. Present law imposes a maximum imprisonment term of four (4) years. Proposed law changes the maximum imprisonment term to three (3) years at hard labor.

Proposed law may result in an indeterminable increase in SGF expenditures in Corrections Services if a person is convicted of **battery of a dating partner or domestic abuse battery** and the offense is committed by burning.

Proposed law may result in an indeterminable increase in SGF expenditures in Corrections Services if a person is convicted of violation of a protective order where the violation involves a battery or any crime of violence as defined in R.S. 14.2(B) against the person for whose benefit the protective order is in effect. The maximum imprisonment term is two (2) years.

EXPENDITURE EXPLANATION CONTINUED ON PAGE TWO

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues if an individual is convicted and there is an imposition of fines. Present law provides for a maximum fine imposed for violation of protective orders of \$500 for a first offense and \$1,000 for a second or subsequent offense. Proposed law provides for a maximum fine imposed for violation of protective orders under R.S. 14:79(C)(1) of \$1,000 and \$2,000 under R.S. 14:79(C)(2). Potential revenue will accrue to the local governing authority.

<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}	

John D. Carpenter
 Legislative Fiscal Officer

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CONTINUED EXPLANATION from page one:

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EXPENDITURE EXPLANATION CONTINUED FROM PAGE ONE

Proposed law may result in an indeterminable increase in SGF expenditures in Corrections Services if a person is convicted of violation of a protective order where the violation involves a battery or any crime of violence as defined in R.S. 14.2(B) against the person for whose benefit the protective order is in effect, and who has a conviction of violating a protective order or of an assault or battery upon the person for whose benefit the protective order is in effect during the five-year period prior to the commission of the instant offense. The maximum imprisonment term is five (5) years with or without hard labor.

SGF expenditures total \$54.21 per offender per day if an offender is housed in a state facility or \$24.39 for a state offender housed in a local facility. An offender sentenced to the custody of the Corrections Services for one year creates SGF expenditures of \$19,786.65 (\$54.21 per day x 365 days) if housed in a state facility and \$8,902.35 (\$24.39 per day x 365 days) if housed in a local facility. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

NOTE: There is likely an indeterminable decrease in local expenditures as proposed law also amends the sentencing guideline changes with respect to certain minimum imprisonment terms for the **crimes of battery of a dating partner or domestic abuse battery**.

Senate Dual Referral Rules

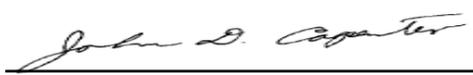
13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

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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Legislative Fiscal Officer