

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 440** HLS 23RS 552

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 11, 2023	9:15 AM	Author: BRYANT
Dept./Agy.: Corrections		Analyst: Daniel Druilhet
Subject: Improper Supervision of a Minor		

JUVENILES OR INCREASE GF EX See Note
Provides relative to improper supervision of a minor

Current law provides that a parent or legal guardian who has care and custody of a minor and is convicted of improper supervision of a minor by violating a court-ordered safety plan, be sentenced to imprisonment for no more than 6 months or be assessed a fine of \$500, or both; or for violation of a court ordered safety plan which results in death or injury to the child requiring medical attention, a sentence of 2 years of imprisonment, with or without hard labor. Proposed law amends current law to sentence an offender convicted of improper supervision of a minor which results in serious bodily injury to a maximum penalty of 5 years imprisonment with or without hard labor or a fine of no more than \$1,000, or both.

Current law provides that a parent or legal guardian who has care and custody of a minor and is convicted of improper supervision of a minor by causing or permitting an unlicensed minor to drive a motor vehicle or power cycle upon any public road or highway when the unlicensed minor is involved in a collision with results in serious bodily injury or death of another person be sentenced to imprisonment for up to six months, or a fine of no less than \$500 nor more than \$1,000, or both. Proposed law repeals current law.

EXPENDITURES	2023-24	2024-25	2025-26	2026-27	2027-28	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	2023-24	2024-25	2025-26	2026-27	2027-28	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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will likely result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPSC – CS) to the extent that a person is convicted of improper supervision of a minor which results in serious bodily injury and subsequently sentenced. Proposed law has the effect of lengthening the maximum sentence of imprisonment to up to five years, which will likely result in longer stays of incarceration. The exact fiscal impact of the passage of this legislation is indeterminable, since it is not known how many people will be convicted or the length of sentences imposed on those who are convicted as a result of this change to present law.

SGF expenditures will increase by \$101.76 per offender per day to the extent that an offender is convicted and then housed in a state facility or \$26.39 per offender per day for an offender housed in a local facility. An offender sentenced to the custody of the DPSC – CS for one year would increase expenditures by \$37,142.40 (\$101.76 per day x 365 days) if housed in a state facility and \$9,632.35 (\$26.39 per day x 365 days) if housed in a local facility.

REVENUE EXPLANATION

Proposed law will likely result in an indeterminable increase in local revenues as a result of potential fines imposed for conviction of improper supervision of a minor which results in serious bodily injury. The fine assessed for offenders convicted of improper supervision of a minor which results in serious bodily injury will increase from a maximum of \$500 to a maximum of \$1,000. The exact impact on revenue is indeterminable because proposed law makes the fines optional, and there is no way to determine the number or amount of fines that will be assessed to those convicted of the proposed legislation. The potential revenue will accrue to the local governing authority.

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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Interim Deputy Fiscal Officer