

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 96** HLS 23RS 477

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 13, 2023	8:26 AM	Author: THOMAS
Dept./Agy.: DPSC (Corrections Services)		Analyst: Daniel Druilhet
Subject: Penalties and Responsive Verdicts for Negligent Homicide		

CRIME OR INCREASE GF EX See Note Page 1 of 1
Provides relative to penalties and responsive verdicts for negligent homicide

Current law provides a penalty of imprisonment of five years with or without hard labor for a person who commits (1) the crime of negligent homicide or (2) the crime of negligent homicide and whose victim was killed by a dog or other animal as imprisonment with or without hard labor for no more than 5 years, fined not more than \$5,000, or both. Proposed law amends present law to lengthen the maximum penalty of imprisonment to no more than 20 years. Current law provides a penalty of imprisonment of no less than 2 nor more than 5 years without benefit of probation, parole, or suspension of sentence (PPS) for a person who commits (1) the crime of negligent homicide and (2) whose victim is under the age of 10 years. Proposed law amends present law to lengthen the maximum penalty of imprisonment to no more than 20 years without benefit of PPS. Proposed law amends present law to add a penalty of imprisonment of no more than 5 years with or without hard labor without the benefit of PPS for an offender who commits negligent homicide whose victim is killed proximately or directly by the discharge of a firearm. Proposed law requires the additional penalty imposed to be served consecutively to the penalty for conviction for negligent homicide. Proposed law amends present law to add the responsive verdict of Guilty of negligent homicide committed by discharge of a firearm to two offenses -- second degree murder and manslaughter.

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>	\$0
Annual Total						

REVENUES	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>	\$0
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 a person is convicted and sentenced to imprisonment for committing negligent homicide. Proposed law has the effect of lengthening sentences of imprisonment in certain instances of conviction for negligent homicide, as the maximum penalty of imprisonment is extended from five years to twenty years. 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 for offenders who are convicted of negligent homicide. Proposed law retains the maximum fine for conviction of negligent homicide as \$5,000, but the imposition of the fine is optional. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable because while \$5,000 is the maximum allowable fine, assessing fines of less than \$5,000 (or not at all) is also permissible. 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