

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



Fiscal Note On: **SB 48** SLS 23RS 215

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> April 26, 2023	12:29 PM	<b>Author:</b> MORRIS, JAY
<b>Dept./Agy.:</b> Secretary of State; Sheriffs		<b>Analyst:</b> Daniel Druilhet
<b>Subject:</b> Eliminating Judge's Discretion to Grant Bail after Conviction		

CRIMINAL PROCEDURE

EG SEE FISC NOTE LF RV

Page 1 of 1

Constitutional amendment to eliminate a judge's discretion to grant bail for certain offenses after conviction. (2/3 - CA8s1)

Current law provides that after conviction and before sentencing, a person shall be bailable if the maximum sentence imposed for imprisonment is five years or less, and that a judge may grant bail if the maximum sentence imposed is imprisonment for less than 5 years. Current law provides that after sentencing and final judgment, a person shall be bailable if the sentence imposed is five years or less, and that a judge may grant bail if a sentence imposed exceeds five years imprisonment. Current law provides that a person shall not be bailable if, after a contradictory hearing, the judge or magistrate finds by clear and convincing evidence that the person is a substantial flight risk or poses an imminent danger to any other person or the community. Proposed law removes mandatory bail provisions for sentences imposed for less than five years, removes judicial discretion for granting bail for sentences imposed for more than five years, and makes the conditions for bail (including for persons charged with crimes of violence) contingent on current law. Proposed law is an amendment to the Louisiana State Constitution (Art. 1, Sec. 18) to be submitted for statewide election on October 14, 2023.

<b>EXPENDITURES</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</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>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

Proposed law is a constitutional amendment that will be considered by voters at the statewide election to be held on October 14, 2023. The Secretary of State may incur minimal ballot printing costs associated with this measure. However, as a regular practice, the Secretary of State typically budgets for up to 10 constitutional amendments for the fall statewide elections. To the extent the ballot includes more than 10 constitutional amendments and statewide propositions, the Secretary of State may require additional SGF resources for the October 14, 2023 statewide election. Any expenditure impact would be realized in FY 24.

**REVENUE EXPLANATION**

Proposed law may result in an indeterminable impact on local revenue to Sheriffs' offices, as it is a constitutional amendment that impacts judicial discretion for bail and makes the conditions for bail contingent on current law (or what is adopted by the legislature). Because current law (La. C.Cr.P. Art. 315) fixes bail by bail schedules established by a district, parish, or city court, and because the legislature currently does not currently adopt bail schedules, the impact on local revenue to Sheriffs' offices is indeterminable. To the extent that proposed law is enacted, and that the legislature subsequently adopts law on bail or bail schedules in lieu of current bail schedules adopted by individual district, parish, or city courts, revenue to local Sheriffs' offices may be impacted.

*The Legislative Fiscal Office has requested details from the Louisiana Sheriffs' Association on historical collections of bail and potential revenue impact (positive or negative) on local Sheriffs. The LFO has not received this information as of the time of this writing.*

Senate

Dual Referral Rules

House

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

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

*Evan Brasseaux*

**Evan Brasseaux**  
**Interim Deputy Fiscal Officer**