

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 331** HLS 23RS 801

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 31, 2023	1:34 PM	Author: CARRIER
Dept./Agy.: Corrections		Analyst: Daniel Druilhet
Subject: Automatic Weapons (Machine Guns)		

WEAPONS/FIREARMS

EN INCREASE GF EX See Note

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Provides relative to automatic weapons

Current law provides the definition of machine gun and that it is unlawful to sell, keep, loan, give away, purchase, possess, carry, or transport any machine gun, with exceptions; and penalizes those convicted to no less than 1 nor more than 10 years imprisonment. Current law assesses penalties for manufacturers convicted of permitting passing possession of a machine gun to anyone unauthorized or fails to keep a register or produce an account for a sheriff's permit for each machine gun sold to imprisonment of no less than 1 nor more than 5 years; if previously convicted of one of an enumerated list of crimes, no less than 3 nor more than 10 years at hard labor.

Proposed law amends current law to define machine gun as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading or the frame or receiver of any such weapon and any part designed solely or in combination, for use in converting a weapon into a machine gun. Proposed law repeals current law and makes illegal the transfer, manufacture, or possession of a machine gun (notwithstanding exceptions) and assesses penalties of imprisonment at hard labor as follows: no less than 1 nor more than 10 years; if convicted of a felony crime of violence, no less than 3 nor more than 10 years.

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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law will likely result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections - Corrections Services (DPS&C - CS) to the extent that a person is convicted of transferring, manufacturing, or possessing a machine gun and subsequently imprisoned. 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 the 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 DPS&C - 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

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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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