

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



Fiscal Note On: **HB 11** HLS 242ES 15

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> February 16, 2024 6:32 PM	<b>Author:</b> VILLIO
<b>Dept./Agy.:</b> Corrections	<b>Analyst:</b> Daniel Druilhet
<b>Subject:</b> Violations and Sanctions - Probation and Parole	

CRIMINAL/SENTENCING

OR INCREASE GF EX See Note

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Provides relative to sanctions for violation of probation or parole conditions (Item #3)

Current law provides that a court may, after a 1st, 2nd, or 3rd conviction for a noncapital felony, suspend (in whole or in part - IWOIP), imposition or execution of a sentence (IOES), and place a defendant on a specified period of probation and supervised release not to exceed three years; provides that after a 4th or subsequent conviction of a noncapital felony, a court may suspend, IWOIP, IOES; provides that if a court orders a defendant to enter and complete a program provided by a specialty court under La. C.Cr.Pr. Art. 893, the court may place the defendant on a period of probation not to exceed eight years, but that successful completion of the program may require the period of a probation to not exceed three years; allows consideration for compliance credits; mandates that those with technical violations of probation (TVOP) be subject to a delineated list of sentences for 1st, 2nd, 3rd, or 4th TVOP; provides the definition of technical violations; provides for rules regarding custody and supervision of parolees. Proposed law allows the probationary period to be extended from no more than three to no more than five years; removes the ability for one on probation to earn compliance credits toward completion of a probationary period; amends the definition of compliance to not consider inability to pay fines/fees/restitution; mandates imprisonment for no more than 90 days for TVOP; applies credits for time served only to 1st probation revocations.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	<b>INCREASE</b>	<b>INCREASE</b>	<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	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>			<b>\$0</b>

  

REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	<b>INCREASE</b>	<b>INCREASE</b>	<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	<b>SEE BELOW</b>	<b>SEE BELOW</b>	<b>SEE BELOW</b>	<b>SEE BELOW</b>	<b>SEE BELOW</b>	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

Proposed law will result in an indeterminable increase in SGF expenditures for the Department of Public Safety & Corrections - Probation and Parole. Proposed law would allow courts to extend probationary periods after suspension or execution of sentences from three years to five years after August 1, 2024. The exact fiscal impact of the proposed law is indeterminable because there is no way to determine whether courts will choose to extend probationary periods from a maximum of 3 years to a maximum of 5 years or the number impacted parolees.

SGF expenditures will increase by \$5.97 per offender per day to the extent that an offender previously subject to have his sentence suspended and subsequently placed on probation for a maximum period of five years (up from three) would be subject to a longer period of probation, if determined by the courts. An offender subject to probation with the Department of Public Safety & Corrections - Probation and Parole would increase expenditures by \$2,179.05 for additional each year (\$5.97 per day x 365 days) he has been assigned probation. The provisions of proposed law will only apply to offenses committed on or after August 1, 2024, resulting in cost exposures likely beginning in FY 28 (third year after arrests occurring on or after 8/1/2024).

**REVENUE EXPLANATION**

Proposed law will result in an indeterminable impact to local revenues to courts in the State as a result of the proposed measure. The proposed law is prospective and the Louisiana Supreme Court advises that there is no way, with certainty, to determine the volume of future defendants that will sustain technical violations for non-compliance with paying outstanding fines and fees after August 1, 2024.

There will be an indeterminable increase in self-generated revenue to DPS&C - Probation and Parole to the extent any offender is required to serve a longer duration of probation pursuant to proposed law. The current daily parole supervision rate for adult offenders is \$5.43 per day, which would result in an annual loss of \$1,981.95 (\$5.43 x 365) in parole supervision SGR for each adult offender.

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}

  
**Patrice Thomas**  
**Deputy Fiscal Officer**