



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 3** HLS 242ES 13
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: February 20, 2024 5:25 PM	Author: BUTLER
Dept./Agy.: Courts/Supreme Court	
Subject: Mandatory Drug Screening and Drug/Specialty Courts	Analyst: Daniel Druilhet

COURTS EG SEE FISC NOTE LF EX See Note Page 1 of 2

Provides relative to mandatory drug testing, screening, and assessment for drug and specialty court participation for certain offenders (Item #10)

Current law requires every person arrested for a violation of the Uniform Controlled Dangerous Substances (UCDS) or crime of violence to be subject to a pretrial drug test for the presence of designated substances as a condition of bail. Proposed law amends present law to provide procedures for pretrial drug testing and screening; requires pretrial drug testing to occur within 24 hours of the booking of the person; requires clinical screening for those persons testing positive for UCDS and considered suitable for a drug/specialty court program; requires information and records obtained pursuant to the proposed law to be confidential with the exception of disclosure to the district attorney or defense attorney; makes any information or records obtained from pretrial drug testing or screening to be inadmissible in civil/criminal actions except for the purposes of determining suitability for participation in drug/specialty court programs; provides that the expenses and costs incurred relative to the mandatory drug testing and screening to be an approved purpose for the use of opioid funds; removes mandatory participation in pretrial drug testing for all persons arrested for violation of state law; provides that a court may suspend, in whole or in part, imposition of execution of a sentence of defendant considered suitable for a drug or specialty court program; provides guidelines related to objection by district attorneys to consent to suspensions of sentences pursuant to proposed law.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Ded./Other	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	

Annual Total

REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0

Annual Total

EXPENDITURE EXPLANATION

The proposed law is anticipated to increase annual expenditures for (1) the District Courts to screen more persons for substance abuse and processing more drug court cases and (2) the District Attorneys' Offices to represent the state in more drug or specialty court cases. Overall net expenditures on a state and local level are indeterminable. Present law requires that certain persons arrested must submit to a drug test. Proposed law adds that if the test is positive then the person shall be screened to determine if the person suffers from a substance abuse disorder and is suitable for a drug or specialty court. The LFO assumes that those who are deemed suitable for a drug or specialty court will be placed in that court. As a result of an increase in the volume of drug screening and processing, the courts and the DAs will incur additional operating expenses. Drug courts are funded by the Louisiana Supreme Court, which is funded through SGF appropriation. DAs are funded through a combination of SGF, SGR and Local Funds.

Note: The bill provides that the cost associated with this legislation shall be deemed as an approved purpose for the use of opioid funds. The LFO therefore assumes these expenses may be addressed through proceeds of the opioid settlement, for which Louisiana is anticipated to receive \$325 M. To the degree that these funds may not be usable for this purpose, and once those funds are depleted, SGF would be required. Regardless, proposed law specifies that additional funding for the administration of drug and other specialty courts shall be subject to appropriation by the legislature.

Cost of Additional Screening and Assessment

The Supreme Court estimates that each of the 42 drug courts will need 2.5 additional employees to screen and assess defendants at a cost of **\$9.9 M per year** (1 screener x \$56,000 in salaries and benefits + 1.5 assessors X \$180,000 in salaries and benefits = \$236,000 per court x 42 courts = \$9.9 M). The LFO agrees that the courts will have additional costs but cannot corroborate that the proposed law's requirements will create a workload level sufficient to justify that **ALL** 42 courts will require 2.5 additional employees.

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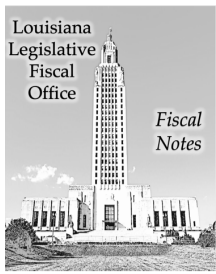
REVENUE EXPLANATION

There may be an indeterminable decrease in self-generated revenue to DPS&C – Probation and Parole to the extent expansion of the use of drug courts may result in a material change to the number of individuals under supervision. The current daily parole supervision rate for adult offenders is \$5.43 per day.

Senate
 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



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CONTINUED EXPLANATION from page one:

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EXPENDITURE EXPLANATION CONTINUED FROM PAGE ONE

Cost of Additional Drug Court Participants

The LFO assumes that those who are deemed suitable for a drug or specialty court will be placed in that court. The Supreme Court currently budgets \$6,000 annually for adult drug court participants. The LFO cannot predict how many more participants will be placed in drug courts. However, for illustrative purposes, if there are 5 more drug participants each month in ALL 42 courts, the additional annual cost would be \$15.1 M (\$6,000 x 5 participants x 12 months x 42 courts = \$15.1 M).

Additional workload for DAs

The DAs will be responsible for representing the state in more drug courts cases, which may impact the workload of the DA offices statewide. The LFO is working with the DAs to quantify whether this measure will result in a material change in workload. The note will be updated as additional information becomes available.

Impact on Corrections Services and Local Jails

To the extent the expansion of services to offenders through drug courts may result in a diversion of convicted individuals into those programs and out of traditional options, the Department of Public Safety and Corrections and local governments may realize cost savings. The LFO is unable to estimate or quantify the number of individuals that may be diverted away from traditional incarceration or probation and parole. Currently the state expends SGF in an amount of \$107.60 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 realizes expenditures of \$39,274 (\$107.60 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. Local jails expend indeterminable amounts that vary by location to house offenders convicted of misdemeanor offenses.

Senate

Dual Referral Rules

House

- 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

- 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}

Signature of Patrice Thomas
Patrice Thomas
Deputy Fiscal Officer