



**LEGISLATIVE FISCAL OFFICE  
Fiscal Note**

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

|  |                                 |
|--|---------------------------------|
| <b>Date:</b> February 28, 2024 9:36 AM                             | <b>Author:</b> BUTLER           |
| <b>Dept./Agy.:</b> Courts/Supreme Court                            |                                 |
| <b>Subject:</b> Mandatory Drug Screening and Drug/Specialty Courts | <b>Analyst:</b> Daniel Druilhet |

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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 (PDT) for the presence of designated substances as a condition of bail. Proposed law amends present law to provide procedures for PDT and screening; requires PDT 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 (DSC) program; requires information and records obtained pursuant to the proposed law to be confidential with the exception of disclosure to the district attorney (DA) or defense attorney; makes any information or records obtained from PDT or screening to be inadmissible in civil/criminal actions except for the purposes of determining suitability for participation in DSC 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 PDT 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 DSC program; provides guidelines for objection by DAs to consent to suspensions of sentences; provides procedures relative to discretion of courts in extending probation for noncompliance with the terms of probation.

| 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 and/or workload. 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 state has signed the Louisiana State-Local Government Opioid Litigation Memorandum of Understanding (hereafter called the MOU) as part of an opioid settlement. The state is anticipated to receive \$325 M. The MOU directs all funds to an Opioid Abatement Fund for the benefit of local jurisdictions, with 80% of funds allocated to the state's 64 parishes and 20% of funds allocated to each of the 64 parishes' sheriffs. The expected payout of settlement funds is over the next 10 to 18 years. To the degree that these funds may not be usable for the purposes of the bill, and once those funds are depleted, SGF would be required. Regardless, the 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

**CONTINUED ON PAGE TWO**

**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

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. Additionally, given the permissive nature of the proposed law, not all districts may select to implement a drug court.

#### 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 (Corrections Services) 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. In public testimony during the 2023 2<sup>nd</sup> ES, Corrections Services testified that impacts on offender populations are anticipated to impact the number of offenders held in local facilities. Corrections Services reports that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

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}

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}

**Patrice Thomas**  
Deputy Fiscal Officer