

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 208** HLS 24RS 259
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: March 28, 2024 3:37 PM	Author: VILLIO
Dept./Agy.: Corrections/Sheriffs	
Subject: Penalties for Certain Domestic Violence Offenses	Analyst: Daniel Druilhet

DOMESTIC ABUSE EG INCREASE GF EX See Note Page 1 of 1
 Provides relative to additional penalties for certain domestic violence offenses

Current law provides that for battery of a dating partner or domestic abuse battery that involves strangulation, those convicted are mandated to be imprisoned at hard labor for not more than 3 years. Proposed law provides that for battery of a dating partner or domestic abuse battery involving strangulation that results in serious bodily injury, those convicted are mandated to be imprisoned at hard labor for not less than 5 nor more than 50 years, without benefit of probation, parole, or suspension of sentence. Current law provides that notwithstanding battery of a dating partner or domestic abuse battery involving the intentional use of force or violence committed with a dangerous weapon, an offender that intentionally causes bodily injury, and is subsequently convicted, is subject to a sentence of imprisonment at hard labor for no more than 8 years. Proposed law provides that notwithstanding battery of a dating partner or domestic abuse battery committed by burning, strangulation, or intentional use of force committed with a dangerous weapon, an offender that inflicts serious bodily injury, and is subsequently convicted is subject to a sentence of imprisonment at hard labor for no more than 8 years.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	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	\$0	\$0	\$0	\$0	\$0	\$0
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.	\$0	\$0	\$0	\$0	\$0	\$0
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	\$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) if a person is convicted of domestic abuse battery or battery of a dating partner by strangulation that results in serious bodily injury. Proposed law has the effect of adding an enhanced penalty for those convicted of domestic abuse battery or battery of a dating partner by strangulation that results in serious bodily injury, providing a minimal sentence of two additional years mandated for those convicted and subsequently incarcerated. The exact fiscal impact of the passage of this legislation is indeterminable, as it creates an enhanced penalty, and it is not known how many people will be convicted and incarcerated or the length of sentences imposed on those who are convicted as a result of this change to current law.

For illustrative purposes, SGF expenditures will increase by \$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. Corrections Services reports that impacts on offender populations are anticipated to affect 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.

For informational purposes, the proposed law increases the minimum term of imprisonment from 3 to 5 years for the crime of domestic abuse battery or battery of a dating partner by strangulation. DPS&C reports that there have been an average of 297 admissions in the past three years with an average sentence length of 2.88 years for those convicted of domestic abuse battery, or battery of a dating partner by strangulation. With enactment of proposed law, offenders would be required to serve an additional 2.12 years of imprisonment, assuming each of the offenders would receive the enhanced penalty for committing domestic abuse battery or battery of a dating partner by strangulation that results in serious bodily injury. Assuming that additional offenders would be housed at the local level, annual expenditures would begin to exceed \$100,000 with the admission of 11 offenders convicted of domestic abuse battery or battery of a dating partner by strangulation.

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}

Patrice Thomas
 Deputy Fiscal Officer