

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 401** SLS 24RS 559
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 30, 2024	10:01 AM	Author: REESE
Dept./Agy.: Corrections		
Subject: Vehicular Negligent Injuring - Penalties		Analyst: Daniel Druilhet

CRIME/PUNISHMENT EN SEE FISC NOTE GF EX Page 1 of 1
 Increases the penalties for the crimes of vehicular negligent injuring and first degree vehicular negligent injuring. (8/1/24)

Current law provides for all crimes listed as crimes of violence. Proposed law adds first degree vehicular negligent injuring, when the operator's blood alcohol concentration exceeds 0.20 percent by weight based on grams of alcohol per hundred cubic centimeters of blood as a crime of violence; assesses a fine of no more than \$1,000 and imprisonment for no less than 7 days nor more than 6 months (at least 7 of the days without benefit of probation or suspension of sentence) for vehicular negligent injuring with a blood alcohol concentration of at least 0.15 percent but no less than 0.20 percent; assesses a fine of no more than \$1,000 and imprisonment for no less than 30 days nor more than 6 months for vehicular negligent injuring with a blood alcohol concentration of no less than 0.20 percent; increases the sentence of imprisonment for first degree vehicular negligent injuring to no more than 10 years at hard labor (from no more than 5 years at hard labor) and a fine of no more than \$5,000 (up from no more than \$2,000); assesses a sentence of imprisonment of no less than 2 nor more than 10 years, w/ or w/o hard labor (w/ at least 2 without the benefit of probation, parole, or suspension of sentence), for vehicular negligent injuring with a blood alcohol concentration of at least 0.15 percent by weight or w/ a prior conviction for operating a vehicle while intoxicated and mandates participation in court-ordered substance abuse treatment and completing a driver improvement program.

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.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
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.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	

Annual Total

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety & Corrections- Corrections Services, to the extent offenders are convicted of first degree vehicular negligent injuring. Proposed law has the effect of increasing the maximum sentence of imprisonment for first degree vehicular negligent injuring to 10 years imprisonment, with or without hard labor. Proposed law is a relative felony, and any impact on either local or state expenditures is contingent on whether offenders sustain either misdemeanor or felony-grade convictions for its violation.

For those convicted, sentenced, and then subsequently housed in a state facility, DPS&C-CS will sustain expenditures of \$107.60 per offender per day. For those convicted, sentenced, and then subsequently housed in a local facility, DPS&C-CS will sustain expenditures of \$26.39 per offender per day. DPS&C-CS advises that impacts on offender populations are anticipated to impact the number of offenders held in local facilities, and that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

Proposed law may result in an indeterminable increase in Local Funds expenditures for local governing authorities if a person is convicted of first degree vehicular negligent injuring, vehicular negligent injuring with a blood alcohol concentration of at least 0.15 percent but no less than 0.20 percent, vehicular negligent injuring with a blood alcohol concentration of at least 0.20 percent, vehicular negligent injuring with a blood alcohol concentration of at least 0.15 percent, and vehicular negligent injuring with a prior conviction for operating a vehicle while intoxicated. Proposed law has the effect of increasing the maximum penalty of imprisonment contingent upon the blood alcohol concentration of the offender, and assesses an enhanced minimum penalty of two years imprisonment served without the benefit of probation, parole, or suspension of sentence, for those convicted of vehicular negligent injuring with a blood alcohol concentration of at least 0.15 percent. The exact fiscal impact of the passage of this legislation is indeterminable because it is not known how many people will be convicted and incarcerated in local facilities, nor the length of sentences assessed with those convictions as a result of its potential enactment. The maximum imprisonment term at the local level is no more than 10 years.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of convictions of vehicular negligent injuring. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable because the fines that would be imposed on those convicted may vary. The potential revenue will accrue to the local governing authority.

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