

LEGISLATIVE FISCAL OFFICE

Fiscal Note



Fiscal Note On: **HB 154** HLS 13RS 478

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 3, 2013	12:29 PM	Author: SMITH, PATRICIA
Dept./Agy.: Corrections		Analyst: Stephanie C. Blanchard
Subject: Aiding and abetting in a criminal offense		

CRIMINAL/SENTENCING OR SEE FISC NOTE GF EX Page 1 of 2

Provides penalties relative to persons aiding and abetting in the commission of a crime and provides for the procedure by which an aider and abettor may be resentenced

Present law provides for the following parties to crimes: principal and accessory after the fact. "Principals" are all persons concerned in the commission of a crime, whether they directly commit the act, aid and abet in the commission, or directly or indirectly counsel or procure another to commit the crime.

Proposed law defines "aider and abettor" and adds to the list of possible parties to a crime, and amends the definition of "principal" to no longer include persons who "aid and abet" in the commission of the act. Provides that an aider and abettor shall be sentenced pursuant to proposed law, unless the person aids and abets in the commission of a sex offense in which case the person shall be punished as a principal in the commission of the offense. Provides for the following penalties: 1) if the offense is punishable by death or life imprisonment, the aider and abettor shall be imprisoned at hard labor for 10 to 50 years.

(CONTINUED ON PAGE 2)

EXPENDITURES	2013-14	2014-15	2015-16	2016-17	2017-18	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						

REVENUES	2013-14	2014-15	2015-16	2016-17	2017-18	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

The proposed legislation may result in an indeterminable impact in state general fund expenditures since the legislation adds "aider and abettor" to the list of possible parties to a crime, provides penalties for aiding and abetting in a criminal offense, and provides for the procedure by which an aider and abettor may be resentenced. The exact fiscal impact of the passage of this legislation is indeterminable.

If a person aids and abets in the commission of a sex crime, they shall be punished as a "principal" in the commission of a crime. For those who aid and abet in the commission of all other crimes, proposed law provides the following penalties:

If the offense is punishable by death or life imprisonment, the aider and abettor shall be imprisoned at hard labor for 10 to 50 years. Housing these offenders in a state facility would cost the state \$47.74 per offender per day or \$17,425 annual per offender. The total cost to the state would be \$174,251 for 10 years (\$47.74 x 365 x 10) or \$871,255 for 50 years (\$47.74 x 365 x 50) per offender.

If the offense is punishable by death or life imprisonment, and is against a peace officer engaged in the performance of his lawful duty, the aider and abettor shall be imprisoned at hard labor for 20 to 50 years. Housing these offenders in a state facility would cost the state \$47.74 per offender per day or \$17,425 annual per offender. The total cost to the state would be \$348,502 for 20 years (\$47.74 x 365 x 20) or \$871,255 for 50 years (\$47.74 x 365 x 50) per offender.

If the offense is theft or receiving stolen goods and is not punishable as a felony, the aider and abettor shall be fined not more than \$200 or imprisoned for not more than 6 months, or both. If the offense is theft or receiving stolen goods and is punishable as a felony, the aider and abettor shall be fined not more than \$200 or imprisoned for not more than one year, or both. Assuming the offenders were housed in a state facility it would cost the state \$47.74 per offender per day or \$17,425 annual per offender or if the offenders were housed at the local level it would cost the state \$24.39 per offender per day or \$8,902 annual per offender.

(CONTINUED ON PAGE 2)

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure. Any revenue generated through the imposition of fines created by this legislation would accrue to local government entities.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}		<input type="checkbox"/> 6.8(F) >= \$500,000 Annual Fiscal Cost {S}
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

**Evan Brasseaux
Staff Director**

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CONTINUED EXPLANATION from page one:

Continued Explanation of Purpose on Page one:

2) If the offense is punishable by death or life imprisonment and is against an individual who is a peace officer engaged in the performance of his lawful duty, the aider and abettor shall be imprisoned at hard labor for 20 to 50 years. 3) If the offense is theft or receiving stolen things, and is not punishable as a felony, the aider and abettor shall be fined not more than \$200, imprisoned for not more than six months, or both. 4) If the offense is receiving stolen things, and is punishable as a felony, the aider and abettor shall be fined not more than \$200, imprisoned for not more than one year, or both. 5) If the offense is theft of an amount not less than \$500 nor more than \$5,000, the aider and abettor shall be fined not more than \$500, imprisoned for not more than one year, or both. 6) If the offense is theft of an amount over \$5,000, the aider and abettor shall be fined not more than \$2,000, imprisoned, with or without hard labor, for not more than five years, or both. 7) In all other cases the aider and abettor shall be fined, imprisoned, or both, in the same manner as the principal of the offense, except that such fine and term of imprisonment for the aider and abettor shall not exceed 1/2 of the maximum fine prescribed for the offense nor shall it exceed 1/2 of the maximum term of imprisonment prescribed for the offense. Authorizes a defendant who is incarcerated after having been convicted as a principal in the commission of a crime, but who actually aided and abetted in the commission of the crime as defined in proposed law, to file a motion to reconsider the sentence if he served at least 1/3 of the sentence imposed upon conviction as a principal in the commission of the crime.

Continued Expenditure Explanation from Page one:

If the offense is theft of an amount not less than \$500 nor more than \$5,000, the aider and abettor shall be fined not more than \$500 or imprisoned for not more than one year, or both. If the offense is theft of an amount over \$5,000, the aider and abettor shall be fined not more than \$2,000 or imprisoned with or without hard labor, for not more than five years, or both. Assuming the offenders were housed in a state facility it would cost the state \$47.74 per offender per day or \$17,425 annual per offender or if the offenders were housed at the local level it would cost the state \$24.39 per offender per day or \$8,902 annual per offender.

For all other offenses, the aider and abettor shall be fined or imprisoned, or both, in the same manner as the principal party except that such fine can not exceed 1/2 of the maximum fine prescribed for the offense nor shall they be imprisoned more than 1/2 the maximum term of imprisonment prescribed for the offense. Assuming these offenders are housed in a state facility it would cost the state \$47.74 per offender per day or \$17,425 annual per offender or to house the offenders at the local level it would cost the state \$24.39 per offender per day or \$8,902 annual per offender.

In addition to the above mentioned revisions, authorizes a defendant who is incarcerated after having been convicted as a principal in the commission of a crime, but who actually aided and abetted in the commission of a crime as defined by proposed law to file a motion to reconsider the sentence if they have served at least 1/3 of the sentence imposed upon conviction as a principal in the commission of a crime. If a motion is granted and an offender's sentence is reduced according to proposed law, the state could show a potential savings of \$47.74 per offender per day or \$17,425 annually if the offender is housed in a state facility or \$24.39 per offender per day or \$8,902 annually if the offender is housed in a local facility.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}		<input type="checkbox"/> 6.8(F) >= \$500,000 Annual Fiscal Cost {S}
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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