

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 745** HLS 14RS 435

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 14, 2014	8:15 AM	Author: MORENO
Dept./Agy.: Corrections		Analyst: Stephanie C. Blanchard
Subject: Minimum mandatory sentences		

CRIMINAL/SENTENCING

OR SEE FISC NOTE GF EX

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Provides sentencing options with respect to certain offenses

Present law provides that sentences for certain offenses shall be served without benefit of parole, probation, or suspension of sentence (minimum mandatory sentences). Provides that for certain nonviolent and non-sex offenses, the court may waive the minimum mandatory sentence in certain instances. Proposed law retains present law and provides that if a felony or misdemeanor offense specifies a sentence with a minimum term of confinement or a minimum fine, or that the sentence shall be served without benefit of parole, probation, or suspension of sentence, the court, upon conviction, is authorized to do any of the following: (1) Impose the sentence as provided in the penalty provisions for that offense. (2) Impose the sentence as provided in the penalty provisions for that offense, but specify that the sentence shall be served with benefit of parole, probation, or suspension of sentence. (3) Impose a reduced fine or reduced term of imprisonment from the amount and term provided in the penalty provisions for that offense. Provides exceptions. Provides that the court shall not set eligibility for parole consideration earlier than what is provided in present law provisions regarding eligibility for parole. Beginning one year from the effective date of proposed law and annually thereafter, the Louisiana Sentencing Commission shall report the number of times this law was utilized in the previous year.

EXPENDITURES	2014-15	2015-16	2016-17	2017-18	2018-19	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	2014-15	2015-16	2016-17	2017-18	2018-19	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed law could result in a potential savings to the Department of Corrections as it authorizes the court to waive minimum mandatory sentences for certain offenses. This would reduce the length of time offenders are sentenced to incarceration. Therefore, for each offender affected by the proposed legislation in the future (assuming an offender is actually the waiver of minimum mandatory sentences by the court), the state would realize a total cost savings of \$17,804 or \$8,902 per offender annually (\$24.39 per offender, per day housed at the local level x 365 days).

Savings are more likely to be incurred for offenders housed at the local level due to state facilities backfilling beds in a more timely manner. Any savings may also be reduced by recidivism.

Currently, there are 21,266 offenders incarcerated for non-violent, non-sex, non-habitual offenses involving a firearm with an average sentence length of 11 years.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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|---|----------------------------|--------------|--|
| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | | | <input type="checkbox"/> 6.8(F)(2) >= \$500,000 State Rev. Reduc. {H & 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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