

LEGISLATIVE FISCAL OFFICE

Fiscal Note



Fiscal Note On: **SB 8** SLS 15RS 142
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.: **REVISED**

Date: April 28, 2015	12:34 PM	Author: LONG
Dept./Agy.: Corrections		Analyst: Zachary Rau
Subject: Provides relative to prosecution of child abuse while		

CRIME/PUNISHMENT OR SEE FISC NOTE GF EX Page 1 of 1
 Provides relative to prosecutions for certain criminal offenses. (gov sig)

Present law provides relative to the crime of homicide. Present law further provides that homicide is of five grades:(1) First degree murder; (2) Second degree murder; (3) Manslaughter; (4) Negligent homicide; (5) Vehicular homicide. Proposed law retains present law and adds that nothing in present law relative to criminal offenses can be construed to preclude the prosecution for homicide of a woman who uses an illegal drug while pregnant if the child dies as a result of the use of the illegal drug.

Present law provides relative to the crime of battery and defines battery. Proposed law retains present law and adds that nothing in present law relative to criminal offenses can be construed to preclude the prosecution for any grade of battery of a woman who uses an illegal drug while pregnant if the child is born addicted to, or otherwise harmed by, the illegal drug used while pregnant.

EXPENDITURES	2015-16	2016-17	2017-18	2018-19	2019-20	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	2015-16	2016-17	2017-18	2018-19	2019-20	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 but likely marginal increase in state general fund and local expenditures. The exact fiscal impact of the passage of this legislation is indeterminable, since the legislation sets forth new criteria which cannot preclude the prosecution of a pregnant woman for the crimes of homicide and battery, and it is not known how many individuals will be prosecuted under the new criteria. Persons convicted of one of the five degrees of homicide or any degree of battery as a result of the criteria set forth in the proposed legislation could be subject to penalties associated with felonies, relative felonies, or misdemeanors.

SGF expenditures will increase by \$51.62 per offender per day if offenders are housed in state facilities and by \$24.39 for state offenders housed in local facilities. Offenders sentenced to the custody of the Department of Public Safety and Corrections for one year would increase SGF expenditures by \$18,841 (\$51.62 per day x 365 days) if housed in a state facility and \$8,902 (\$24.39 per day x 365 days) housed in local facilities. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

Local expenditures will increase as well for misdemeanor convictions. The cost increase will depend on the number of persons convicted, the minimum sentence an offender serves, and the cost per day for a local law enforcement agency to incarcerate an offender.

REVENUE EXPLANATION

There is no anticipated direct material effect on state governmental revenues as a result of this measure. However, revenue generated through the imposition of fines as a result of conviction would accrue to local governmental entities.

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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 Rev. Red. to State {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} |

Evan Brasseaux
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Staff Director