

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 688** HLS 16RS 1140
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: March 23, 2016 8:43 AM	Author: LEBAS
Dept./Agy.: Corrections	Analyst: Monique Appeaning
Subject: Schedules II & IV of the Uniform Controlled Dangerous	

CONTROLLED SUBSTANCES OR INCREASE GF EX See Note Page 1 of 1

Adds substances to Schedules II and IV of the Uniform Controlled Dangerous Substances Law

Present law provides for the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the substances' potential for addiction and abuse. Proposed law adds substances to Schedules II and IV.

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2016-17	2017-18	2018-19	2019-20	2020-21	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 increase in SGF expenditures if a defendant is convicted of 1) unlawful production, manufacture, distribution, or dispensing or possession with intent to produce, manufacture, distribute, or dispense certain controlled dangerous substances or controlled substances added in Schedule II and/or Schedule IV; 2) if a defendant is convicted of unlawful creation, distribution or possession with intent to distribute, a counterfeit controlled dangerous substance added in Schedule II and/or Schedule IV as a result of certain additions to Uniform Controlled Dangerous Substances Law. The exact fiscal impact of the passage of this legislation is indeterminable, since it adds certain substances to the list of Controlled Dangerous Substances and it is not known how many people will be convicted of this crime. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by \$24.39 per day per offender housed in local facilities, or \$8,902 per year. To the extent that offenders are sentenced and housed in state facilities, the cost per day per offender is \$51.68, or \$18,863 per year. Currently, the Department of Corrections houses approximately 50% of state offenders at the local level and 50% at the state level.

Under current law (R.S. 40:967) – Schedule II, sentencing guidelines provides that the penalty "...to produce, manufacture, distribute, or dispense or possess with the intent to produce, manufacture, distribute, or dispense..." includes maximum imprisonment terms of 30 years, with a maximum of at least 10 years served without benefit of parole, probation, or suspension of sentence in certain instances.

Under current law (R.S. 40:969) – Schedule IV, sentencing guidelines provides that the penalty "...to produce, manufacture, distribute, or dispense or possess with the intent to produce, manufacture, distribute, or dispense..." includes maximum imprisonment terms of 40 years, with a maximum of at least 10 years served without benefit of parole, probation, or suspension of sentence in certain instances.

For illustrative purposes, if 10 defendants were convicted of a crime delineated in the proposed additions to Schedule II or IV, with 5 offenders housed at the local level and 5 offenders at the state level, the annual cost of incarceration would be \$44,512 at the local level (5 offenders x \$24.39 per day x 365 days) and \$94,316 at the state level (5 offenders x \$51.68 per day x 365 days) for a total cost of \$138,828 (\$44,512 + \$94,316).

REVENUE EXPLANATION

There is no anticipated direct material effect on state revenues as a result of this measure. However, any local funds generated through the imposition of fines as a result of conviction would accrue to local government entities. Current law under Schedule II provides that in certain instances a maximum imposed fine "...to produce, manufacture, distribute, or dispense or possess with the intent to produce, manufacture, distribute, or dispense..." is \$600,000 and under Schedule IV it is \$100,000.

Senate Dual Referral Rules House

13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

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