

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 320** HLS 16RS 521  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> April 12, 2016 10:56 AM	<b>Author:</b> IVEY
<b>Dept./Agy.:</b> Public Safety & Corrections	<b>Analyst:</b> Zachary Rau
<b>Subject:</b> Increases Penalties for Illegal Carrying of Firearms	

WEAPONS/FIREARMS OR INCREASE GF EX See Note Page 1 of 1  
 Increases penalties for possession of a firearm during the commission of a crime of violence

Present law provides penalties of a \$500 fine, imprisonment of up to 6 months, or both for the crime of illegal carrying of weapons. Present law provides additional penalties of a minimum fine of \$2,000 and imprisonment of between 1 and 2 years if the firearm is used while committing a crime of violence as currently outlined in LA R.S. 14:2(B). Proposed law alters prison sentences for persons using an illegal weapon while committing a crime of violence from a minimum of 2 years, but not more than 5 years.

EXPENDITURES	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	\$0	INCREASE	INCREASE	INCREASE	INCREASE	\$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>
<b>Annual Total</b>	<b>\$0</b>					<b>\$0</b>

  

REVENUES	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>5 -YEAR TOTAL</u>
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>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

Proposed law will increase SGF expenditures by an indeterminable amount to the extent any offenders are convicted under LA R.S. 14:95(B)(2). The proposed law increases penalties for persons convicted of illegally carrying weapons while committing a crime of violence as defined in LA R.S. 14:2(B). Proposed law increases the minimum sentence by 1 year, from 1 year to 2 years. Furthermore, proposed law increases the maximum sentence by 3 years, from 2 years to 5 years. The sentence would be served consecutively with any sentence imposed for committing a crime of violence as defined in LA R.S. 14:2(B). The expenditure increase would occur no sooner than FY 18 as a 1 year minimum sentence exists in present law.

SGF expenditures will increase by \$51.68 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 Dept. of Public Safety & Corrections for one year would increase SGF expenditures by \$18,863 (\$51.68 per day \* 365 days) if housed in a state facility and \$8,902 (\$24.39 per day \* 365 days) if 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.

To the extent an offender serves the maximum of 5 years, the cost in a state facility would be \$94,315 (1 offender \* \$18,863 per year \* 5 years) or \$44,510 (1 offender \* \$8,902 per year \* 5 years) if a state offender is housed in a local facility.

**Note:** DPS reports there are currently no offenders incarcerated under LA R.S. 14:95(B)(2).

**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"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}       | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {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