

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



Fiscal Note On: **HB 1145** HLS 16RS 2963  
 Bill Text Version: **REENGROSSED**  
 Opp. Chamb. Action: **W/ SEN FLOOR AMD**  
 Proposed Amd.:  
 Sub. Bill For.: HB 328

<b>Date:</b> May 31, 2016 10:34 AM	<b>Author:</b> LOPINTO
<b>Dept./Agy.:</b> Judiciary	<b>Analyst:</b> Zachary Rau
<b>Subject:</b> Sentences for Violations of Drug Court Probation	

COURTS/DISTRICT REF DECREASE GF EX See Note Page 1 of 1  
 Provides sanctions for violations of drug division probation programs

Present law provides that persons who do not successfully complete a drug division probation program may have their probation revoked and be ordered to serve an imposed sentence, a previously suspended sentence, or to be remanded to the custody of the Dept. of Public Safety & Corrections to serve a sentence of not more than six months. Proposed law allows for defendants who commit violations of drug division programs to be reprimanded and warned, ordered to perform community service, ordered to participate in short- or long-term treatment, placed under more intense supervision, have additional conditions added to their probation, or be remitted to the Dept. of Public Safety & Corrections for a sentence of up to 12 months in the intensive incarceration program. Proposed law allows for defendants who commit technical violations of drug division programs to be remanded to the custody of the Dept. of Public Safety & Corrections for up to 180 days. Proposed law defines technical and non-technical violations. Proposed law requires the LA Supreme Court to maintain information of the drug division probation program. Proposed law makes technical changes.

<b>EXPENDITURES</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>						
<b>REVENUES</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<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 may decrease SGF expenditures for the Dept. of Public Safety & Corrections by an indeterminable amount. The proposed legislation enacts LA R.S. 13:5304(D)(3)(b) and LA R.S. 13:5304(D)(3)(c), creating statutes defining non-technical and technical violations of drug court probation. The statutes enacted by proposed law are adaptations of Article 900 of the Code of Criminal Procedure (CCRP 900). Proposed law defines non-technical violations as a felony, any intentional misdemeanor directly affecting the person, and being in possession of a firearm or other prohibited weapon. Furthermore, the proposed legislation allows drug courts discretionary authority to define violations of Title 40 of the LA Revised Statutes, where drug offenses are defined, as well as attempts to commit misdemeanors directly affecting the person, or any other misdemeanor as non-technical or technical violations.

Specifically, the proposed legislation differs from CCRP 900 by allowing drug court programs the discretion to consider violations of Title 40 of the LA Revised Statutes as technical violations. CCRP 900 defines violations of Title 40 as non-technical violations. By not including this provision of CCRP 900 in the drug court statutes, drug-related offenses may now be considered technical violations provided they are not felony offenses, allowing defendants to be remanded to DPS custody for up to 180 days rather than serving a previously suspended sentence or serving a sentence of up to 12 months in the DPS intensive incarceration program as outlined in proposed law.

To the extent drug court defendants who commit technical violations are remanded to DPS custody for up to 180 days, rather than serving a suspended sentence or 12 months in DPS' intensive incarceration program as outlined in proposed law, the department may realize a reduction in SGF expenditures. However, the decrease in expenditures is indeterminable. For reference, defendants committing a technical violation of a drug court program would generally be housed in local facilities at a rate of \$24.39 per day.

Proposed law increases the amount of time a defendant may be remanded to DPS' intensive incarceration program by 6 months, from 6 months to 12 months. The number of defendants who will be sentenced to the intensive incarceration program and the length of their terms are unknown. As a result, any expenditure increase associated with this provision is indeterminable. For reference, defendants remanded to DPS custody would be housed in local facilities at a rate of \$24.39 per day or at a rate of \$51.68 per day in state facilities. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

Note: Provisions of proposed law requiring defendants to enter short- or long-term treatment as a sanction for violation of the drug court probation program will have no fiscal impact, as defendants are liable for costs associated with such treatment. Furthermore, the provision requiring the LA Supreme Court to maintain data on drug court defendants has no fiscal impact as the court presently maintains said data.

**REVENUE EXPLANATION**

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

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}

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