

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 223** HLS 17RS 590
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 25, 2017 4:03 PM **Author:** MORENO
Dept./Agy.: Corrections **Analyst:** Monique Appeaning
Subject: Domestic Abuse Battery, etc. Regarding Dating Partners

DOMESTIC ABUSE OR SEE FISC NOTE GF EX Page 1 of 1
 Expands the application of domestic abuse battery, domestic abuse aggravated assault, and other provisions of law regarding domestic abuse to dating partners
Proposed law amends and reenacts R.S.14:35.3(A),(B)(4),(5),(6),and (7), (G)(1), and (J) and 37.7(A) and (B), R.S.15:590 (8), R.S.46:2136.3(A)(introductory paragraph) and (1), Code of Evidence Article 412.4(A) and (D)(2) and (3), and Code of Criminal Procedure Article 387(A)(introductory paragraph) and enacts R.S.14:35.3(B)(8) and Code of Evidence Article 412.4 (D)(4), relative to domestic abuse and acts of abuse involving dating partners. It also expands the application of the crimes of domestic abuse battery and domestic abuse aggravated assault to dating partners, adds offenses of abuse involving dating partners to the types of offenses for which certain information is obtained upon arrest and conviction, relative to possession of firearms by persons subject to a permanent injunction or protective order for acts of abuse involving dating partners, relative to admissibility of evidence of similar crimes, wrongs, or acts in cases of abuse involving dating partners, relative to the information required when instituting the prosecution for an offense involving abuse against a dating partner, provides definitions and provides for related matters.

EXPENDITURES	2017-18	2018-19	2019-20	2020-21	2021-22	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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

REVENUES	2017-18	2018-19	2019-20	2020-21	2021-22	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

Proposed law will likely result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services to the degree that it produces convictions resulting in a net increase in incarceration days among the offender population as a result of changes to sentencing guidelines that adds “dating partners” to domestic abuse battery and domestic abuse aggravated assault offenses. Proposed law provides an additional charge for District Attorneys (DAs) to consider when examining evidence related to the arrest of individuals suspected of committing or being involved in the commission of certain crimes related to battery and aggravated assault. The potential expenditure impact is indeterminable as the number of offenders that DAs may decide to prosecute under the domestic abuse - dating partner statute in lieu of prosecuting under existing statutes is unknown. The potential net effect on sentencing decisions cannot be determined and the potential cost impact is therefore unknown.

The LFO is unable to determine the degree to which District Attorneys will file charges against “dating partners” under the expanded provisions of the domestic abuse statutes. To the degree that this practice becomes expansive, particularly with regard to 2nd and higher repeat offenses, the potential increase in SGF expenditures would be significant.

SGF expenditures will increase by \$51.90 per offender per day if an offender is housed in a state facility or \$24.39 for a state offender housed in a local facility. An offender sentenced to the custody of the Department of Public Safety and Corrections - Correction Services for one year would increase SGF expenditures by \$18,943.50 (\$51.90 per day x 365 days) if housed in a state facility and \$8,902.35 (\$24.39 per day x 365 days) if housed in a local facility. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

Proposed law may create an indeterminable impact on local funds expenditures for housing local offenders in local facilities as a result of sentencing guideline changes for certain misdemeanor offenses.

REVENUE EXPLANATION

Proposed law may result in an indeterminable in impact on local fund revenues as a result of adding “dating partners” to the domestic abuse battery and domestic abuse aggravated assault offenses. Potential revenues accrue to local governing authorities.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
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Staff Director