

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 896** HLS 18RS 2661
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.: **HB 81**

Date: May 9, 2018 1:48 PM **Author:** SMITH, P.
Dept./Agy.: Corrections **Analyst:** Monique Appeaning
Subject: Crimes of Violence-Domestic Abuse and Battery of Dating Partner

DOMESTIC ABUSE EN INCREASE GF EX See Note Page 1 of 1
 Provides relative to battery of a dating partner, domestic abuse, and uniform abuse prevention orders

Proposed law adds to the crimes of violence enumerated in R.S. 14:2(B) domestic abuse battery and battery of a dating partner if either involves burning that results in serious bodily injury or if the offender intentionally inflicts serious bodily injury and violation of a protection order if the violation involves a battery or any specific crimes of violence. Proposed law modifies the sentencing guidelines for specific sections of present law for "battery of a dating partner" and "domestic abuse battery" by adding that "the court shall increase the imprisonment terms it imposes by a maximum of 3 years at hard labor, when it involves strangulation, burning, if a minor child thirteen years of age or younger was present at the residence or any other scene at the time of the commission of the offense, or if the victim is pregnant and the offender knows that the victim is pregnant at the time of the commission of the offense. Proposed law changes the sentencing guidelines for domestic abuse battery or battery of a dating partner when it involves intentionally inflicting serious bodily injury, the maximum imprisonment term is 8 years at hard labor. Proposed law adds to the list of violation of protective orders, "communication between offender and victims". Proposed law provides for the issuance of a Uniform Abuse Prevention Order when certain persons charged are prohibited from communicating with the victim or the victim's family member and it provides for specific criminal penalties for certain violations of protection orders.

EXPENDITURES	2018-19	2019-20	2020-21	2021-22	2022-23	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	2018-19	2019-20	2020-21	2021-22	2022-23	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 (DPSC) as a result of sentencing guideline changes that provides for the court the option to increase the imprisonment terms it imposes by a maximum of 3 years when a person is convicted of domestic abuse battery or battery of a dating partner and it involves strangulation, burning, if a minor child 13 years of age or younger was present at the residence or any other scene at the time of the commission of the offense, or if the offender knows that the victim is pregnant at the time of the offense.

Proposed law will likely result in an indeterminable increase in SGF expenditures in DPSC as a result of sentencing guideline changes when a person is convicted of domestic abuse battery or battery of a dating partner that involves intentionally inflicting serious bodily injury. The maximum imprisonment term is 8 years at hard labor.

Proposed law may result in an indeterminable increase in SGF expenditures in DPSC if a person is convicted of 2nd or subsequent violation of a protective order where the violation involves communication between offender and victim. The maximum imprisonment term is 2 yrs. A 1st conviction is a misdemeanor and will create an indeterminable increase in expenditures for local governing authorities. The maximum imprisonment term is 6 months at the local level.

Proposed law may result in an indeterminable increase in SGF expenditures in DPSC if a person is convicted of 2nd or subsequent violation of a Uniform Abuse Prevention Order. The maximum imprisonment term is 2 yrs. A 1st conviction is a misdemeanor and will create an indeterminable increase in expenditures for local governing authorities. The maximum imprisonment term is 6 months at the local level.

An offender sentenced to the custody of the DPSC for one year creates SGF expenditures of \$19,786.65 (\$54.21 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. Currently there are 2 offenders incarcerated for the crime of domestic abuse with child endangerment. In 2017 there was 1 admission and 2 releases with an average time served of 1.55 yrs.

The La Clerks of Court Association reports that provisions of proposed law will result in an indeterminable workload impact for clerks offices statewide. The LFO assumes this workload can be absorbed with existing staff and budgetary resources. However, to the extent other legislative instruments create additional workload mandates, increased budgetary and staff resources may be required (assumed to be local funds).

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues if an individual is convicted of a 2nd or subsequent violation of a protection order or violation of a Uniform Abuse Prevention Order and there is an imposition of fines. Proposed law provides for a maximum fine imposed for violation of protective orders under R.S. 14:79(C)(1) of \$1,000 and \$2,000 under R.S. 14:79(C)(2). Potential revenue will accrue to the local governing authority.

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}

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