

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 264** HLS 18RS 274
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action: **w/ SEN COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

Date: May 11, 2018	9:12 AM	Author: SMITH, P.
Dept./Agy.: Judiciary		Analyst: Colleen Gil
Subject: Community-Based Sentencing Alternative		

COURTS RE1 SEE FISC NOTE GF EX See Note Page 1 of 1
 Provides relative to community-based sentencing alternatives for offenses committed by primary caretakers

Proposed law creates a pilot program for Community-based Alternatives for Primary Caretakers in Orleans Parish Criminal Court. Proposed law provides that beginning on January 1, 2020 any judicial district court by rule may designate one or more divisions to which offenses committed by primary caretakers of dependent children may be assigned, and may establish a program administered by a presiding judge or by an employee designated by the court. Proposed law additionally provides for the following: eligibility and screening of potential participants in the program; certain factors for the court to consider in determining a defendant's eligibility, the conditions of the defendant's participation in the program; a program agreement and terms of such agreement; the rights of the defendant with respect to representation by counsel; removal of the defendant from the program or revocation of probation for violations of his probation or participation in the program; and the vacation of judgment and conviction upon the defendant's successful completion of the program. Additionally requires the consent of the DA for the defendant to be considered for the program. Furthermore, proposed law provides that a defendant may not be excluded from participation in the program because of a defendant's inability to pay all of the related costs associated with participation in the program.

EXPENDITURES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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

There may be minimal costs in FY 19 in order for Orleans Parish to begin a pilot program and create a division of court for primary caretakers, however the costs are anticipated to be offset by grant funding received from a private foundation.

There may be increased costs to other district courts beginning in FY 20 in order to implement the proposed legislation to the extent the courts choose to participate in the program, however these costs are indeterminable. There are various factors that the Supreme Court cannot determine: the number of district courts that would provide this program; the amount of funding needed to designate one or more divisions of a court to be a division for primary caretakers; the number of eligible individuals for the program; the cost of supervised probation; and the number of individuals accepted into the program.

To the extent, the community-based primary caretaker programs are similar to drug courts, they potentially could be funded on a per slot basis. For example, the per slot cost of a juvenile in drug court is \$7,500 annually and the per slot cost for an adult is \$5,000 annually. The Supreme Court disburses funds to the participating district courts dependent upon the number of enrollees. Over the past 3 years, the drug court has averaged an enrollment count of 2,742 per year with an average cost of \$15.1 M per year. However, costs for the community-based alternatives for primary caretakers could vary depending on the individual served and the services that an individual may need. Districts will also have the ability to apply for and utilize various federal or private grants in order to supplement associated costs.

Corrections Services does not anticipate an impact as a result of the proposed legislation. However the LFO believes to the extent individuals are accepted into the program and not incarcerated, there may be a potential savings to corrections services. The potential savings is indeterminable because the number of people that will be accepted into the program is unknown. The current rate to house an offender in a state facility is \$54.21 per offender per day and the rate to house an offender in a local facility is \$24.39 per offender per day. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

REVENUE EXPLANATION

There may be an increase in revenues to participating district courts to the extent individuals are able to provide payment for the costs associated with participation in the program. However, the amount of revenue is indeterminable because the number of potential enrollees is unknown, and there are processes in place to subsidize costs owed by the enrollee if the individual does not have adequate financial resources. There may also be an increase in revenue to districts which receive public or private grant funding for associated costs with the specialty court.

<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
Evan Brasseaux
Staff Director