

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 64** HLS 20RS 10
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: March 11, 2020 9:35 AM	Author: DWIGHT
Dept./Agy.: Statewide	Analyst: Monique Appeaning
Subject: Unlawful Disruption of the Operation of a School	

JUVENILES OR DECREASE GF EX See Note Page 1 of 1
 Provides relative to the unlawful disruption of the operation of a school

Proposed law amends and reenacts present law for minimum imprisonment terms from a minimum one year with or without hard labor to thirty days if the offense was committed by a student or teacher. Proposed law amends present law from a maximum imprisonment term of five years with or without hard labor to six months if the offense was committed by a student or teacher. Proposed law adds to the imprisonment terms that at least seventy-two hours of the sentence imposed shall be imposed without benefit of parole, probation, or suspension of sentence. Proposed law provides for if the offense was committed by a nonstudent as defined by proposed law, the offender shall be fined not more than five thousand dollars, imprisoned with or without hard labor for not less than one year nor more than five years, or both, and that at least seventy-two hours of the sentence imposed shall be without benefits of parole, probation, or suspension of sentence.

EXPENDITURES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						
REVENUES	2020-21	2021-22	2022-23	2023-24	2024-25	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 result in a decrease in SGF expenditures for the Department of Public Safety and Corrections - Correction Services (DPSC - CS), and increase Local Funds expenditures for local governing authorities, if a person who is a student or teacher as defined by proposed law is convicted of unlawful disruption of the operation of a school. The number of individuals that may be charged with and convicted for the unlawful disruption of the operation of a school is unknown and the net expenditure impact to the state and local governing authorities is indeterminable.

Proposed law changes the offense from a felony to a misdemeanor offense for students and teachers, but retains the felony designation for nonstudents. Proposed law imposes a maximum imprisonment term of sixty (60) days. At least seventy-two (72) hours of the sentence imposed shall be imposed without benefit of parole, probation, or suspension of sentence. Proposed law does not change the imprisonment terms for nonstudents. Present law provides a maximum imprisonment of five years with or without hard labor. Proposed law imposes a stipulation that seventy-two (72) hours of the sentence shall be without benefit of parole, probation or suspension of sentence.

SGF expenditures will decrease by \$67.44 per offender per day if an offender is housed in a state facility or \$26.39 for a state offender housed in a local facility. Compared to an offender sentenced under present law to the custody of DPSC - CS for one year, an offender sentenced under proposed law for one year would decrease SGF expenditures by \$24,615.60 (\$67.44 per day x 365 days) if housed in a state facility and \$9,632.35 (\$26.39 per day x 365 days) if housed in a local facility. Approximately 50% of state offenders are housed in state facilities and approximately 50% are housed in local facilities. Local governing authorities would realize an indeterminable expenditure increase as a result of misdemeanor conviction that result in incarceration in local facilities.

NOTE: Currently, there is one offender in DOC custody convicted under present law.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in Local Funds revenue as a result of potential fines if a person who is a nonstudent as defined by proposed law is convicted of unlawful disruption of the operation of a school. The maximum fine is \$5,000. If the person is a student or teacher, the maximum fine remains \$1,000 as in present law. The potential revenue will accrue to the local governing authority. The potential net effect of proposed law on sentencing decisions cannot be determined and the potential revenue impact is therefore unknown.

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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} | |

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