

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 450** HLS 20RS 614
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: March 31, 2020 10:52 AM	Author: HILFERTY
Dept./Agy.: Statewide	Analyst: Monique Appeaning
Subject: First Degree Burglary	

CRIME OR SEE FISC NOTE GF EX Page 1 of 1
 Creates the crime of first degree burglary

Present law provides that simple burglary is the unauthorized entering of any dwelling, vehicle, watercraft, or other structure, movable or immovable, or any cemetery, with the intent to commit a felony or any theft therein, other than as set forth in R.S. 14:60. Present law provides that whoever commits the crime of simple burglary shall be fined not more than two thousand dollars, imprisoned with or without hard labor for not more than twelve years, or both. Present law provides that aggravated burglary is the unauthorized entering of any inhabited dwelling, or of any structure, water craft, or movable where a person is present, with the intent to commit a felony or any theft therein, under any of the following circumstances: (1) If the offender is armed with a dangerous weapon, (2) if after entering, the offender arms himself with a dangerous weapon or (3) if the offender commits a battery upon any person while in such place, or in entering or leaving such place. Whoever commits the crime of aggravated burglary shall be imprisoned at hard labor for not less than one nor more than thirty years. Proposed law creates crime first degree burglary, provides for elements and criminal penalties. Proposed law provides for whoever commits the crime of first degree burglary shall be imprisoned at hard labor for not less than three nor more than twelve years. At least three years of the sentence imposed shall be without benefit of parole, probation, or suspension of sentence.

EXPENDITURES	2020-21	2021-22	2022-23	2023-24	2024-25	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	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable impact on SGF expenditures for the Department of Public Safety and Corrections - Corrections Services if a person is convicted of first degree burglary and imprisoned at hard labor for not less than three nor more than twelve years, with at least the first three years of the sentence being without the benefit of probation, parole, or suspension of sentence. The number of individuals that may be charged and convicted of first degree burglary rather than similar crimes such as simple burglary or aggravated burglary is unknown, and the expenditure impact is therefore indeterminable. Criminal charges are filed at the discretion of the district attorney after reviewing the facts of the crime and analyzing all related and contributing factors.

Proposed law provides that first degree burglary is the unauthorized entry of any dwelling, structure, watercraft, or movable with the intent to commit a felony or any theft therein under any of the following circumstances: (1) if the offender is armed with a dangerous weapon, (2) if after entering, the offender arms himself with or possesses a dangerous weapon.

SGF expenditures will change 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. An offender sentenced to the custody of the Department of Public Safety and Corrections - Correction Services for one year would change 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.

For informational purposes:

Present law provides that simple burglary is the unauthorized entering of any dwelling, vehicle, watercraft, or other structure, movable or immovable, or any cemetery, with the intent to commit a felony or any theft therein, other than as set forth in R.S. 14:60. Present law provides for a maximum imprisonment term of twelve years for simple burglary with or without hard labor.

Present law provides that aggravated burglary is the unauthorized entering of any inhabited dwelling, or of any structure, water craft, or movable where a person is present, with the intent to commit a felony or any theft therein, under any of the following circumstances: (1) if the offender is armed with a dangerous weapon, (2) if, after entering, the offender arms himself with a dangerous weapon, (3) if the offender commits a battery upon any person while in such place, or in entering or leaving such place. Present law provides for a maximum imprisonment term of thirty years at hard labor.

REVENUE EXPLANATION

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

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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