

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 364** HLS 20RS 776
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 4, 2020 6:08 AM	Author: GAINES
Dept./Agy.: Probation and Parole	Analyst: Monique Appeaning
Subject: Habitual Offender Law/Suspension & Deferral of Sentence,	

CRIMINAL/SENTENCING OR SEE FISC NOTE GF EX Page 1 of 1
 Provides relative to the sentencing of habitual offenders

Present law (habitual offender law) provides that any person who, after having been convicted of a felony, thereafter commits any subsequent felony within La., upon conviction shall be subject to certain enhanced penalties as set forth in present law.

Proposed law amends present law to provide that the habitual offender law shall only be applied only to persons whose instant conviction and any prior conviction is for a crime of violence as defined by present law (R.S. 14:2(B)), or a sex offense as defined by present law (R.S. 15:541).

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	\$0	\$0	\$0	\$0	\$0	\$0
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	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable SGF expenditure decrease to the Department of Public Safety and Corrections - Corrections Services (DPSC - CS). Proposed law may result in cost savings if specific individuals convicted under the habitual offender law serve a reduced sentenced compared to present law. Proposed law changes the habitual offender applicability to crimes of violence or sex offenses only.

The magnitude of any potential SGF expenditure decrease is indeterminable. Proposed law is not retroactive. It provides that the court shall apply the provisions of the habitual offender law that were in effect on the date that the defendant's instant offense was committed. Because the bill provides that the habitual offender law no longer applies to non-violent, non-sex offenses, the five-year cleansing period is removed from present law since it only applies to non-violent offenses.

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. An offender sentenced to the custody of the DPSC - CS 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.

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}

Evan Brasseaux

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Staff Director