



**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**

Fiscal Note On: **HB 67** HLS 20RS 227  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> May 8, 2020	7:10 AM	<b>Author:</b> FONTENOT
<b>Dept./Agy.:</b> Statewide		<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Crime - Battery of Police Officer		

CRIME/BATTERY OR SEE FISC NOTE GF EX Page 1 of 1  
 Provides relative to the crime of battery of a police officer

Proposed law amends present law relative to the crime of battery of a police officer. The penalties change from a maximum fine of five hundred dollars to five thousand dollars. Proposed law adds "with or without hard labor" to imprisonment terms. Proposed law changes the minimum imprisonment terms from fifteen days to one year and maximum imprisonment terms from six months to five years. Proposed law adds to the sentencing guidelines that at least fifteen days of the sentence imposed shall be served without the benefit of parole, probation, or suspension of sentence.

<b>EXPENDITURES</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
<b>Annual Total</b>						
<b>REVENUES</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

Proposed law will likely result in an indeterminable and potentially significant increase in SGF expenditures for the Department of Public Safety and Corrections - Corrections Services (DPSC - CS) if a person is convicted of battery of a police officer. Proposed law changes the minimum imprisonment term from fifteen days to one year with or without hard labor. Proposed law changes the maximum imprisonment term in some instances from six months to five years with or without hard labor. Proposed law requires a minimum of fifteen days of imposed sentence shall be served without benefit of parole, probation or suspension of sentence. The number of individuals that may be convicted under the provisions of proposed law is indeterminable.

SGF expenditures will increase 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 increase 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, similar present laws have the following number of inmates currently under custody as reported by DPSC - CS.

<b>Statute</b>	<b>Literal</b>	<b>Count</b>	<b>Maximum Imprisonment Terms</b>
14:34.2	Battery - Police Officer	138	5 Years (if committed in custody, or requiring medical attention)
14:34.6	Disarming a peace officer	36	5 Years
14:37.2	Aggravated assault upon a peace officer	73	10 Years
14:37.6	Aggravated assault with a motor vehicle upon a peace officer	54	5 Years
14:102.8	Injuring or killing of a police animal	4	7 Years
14:108	Resisting an officer	49	6 months
14:108.1	Flight from an officer; aggravated flight from an officer	77	10 Years
14:108.2	Resisting a police officer with force or violence	325	3 Years

Proposed law may result in an indeterminable decrease in Local Funds expenditures for local governing authorities associated with shifting incarceration activities for individuals convicted of battery of a police officer out of local facilities into state facilities.

**REVENUE EXPLANATION**

Proposed law may result in an indeterminable increase in Local Funds revenue as a result of potential fines if a person is convicted of battery of a police officer. The maximum fine imposed is five thousand dollars increasing from five hundred dollars in present law. The potential revenue will accrue to the local governing authority. The potential net effect on sentencing decisions cannot be determined and the potential revenue impact is therefore unknown.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>
<input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}		<input checked="" 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*  
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 Staff Director