



LEGISLATIVE FISCAL OFFICE
Fiscal Note

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

Date: May 18, 2020 6:38 AM Author: HILFERTY
Dept./Agy.: Statewide Analyst: Monique Appeaning
Subject: Provides penalties for Simple Burglary

CRIME EG SEE FISC NOTE GF EX See Note Page 1 of 1
Provides penalties for Simple Burglary under certain circumstances

Proposed law provides that if an offender, while committing the crime of simple burglary, is armed with a firearm or, after entering, arms himself with or possesses a firearm, the offender shall be imprisoned with or without hard labor for not less than three nor more than twelve years. At least one year of the sentence imposed shall be without benefit of parole, probation, or suspension of sentence.

Table with 7 columns: EXPENDITURES, 2020-21, 2021-22, 2022-23, 2023-24, 2024-25, 5-YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total. All values are \$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 simple burglary and while committing the crime is armed with a firearm or, after entering, arms himself with or possesses a firearm. An offender so convicted shall be imprisoned with or without hard labor for not less than three nor more than twelve years. At least one year of the sentence imposed shall be without benefit of parole, probation, or suspension of sentence. The number of individuals that may be charged and convicted of simple burglary while armed or possessing a firearm 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.

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, imprisonment penalties for simple and aggravated burglary are provided below:

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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