

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



Fiscal Note On: **HB 212** HLS 20RS 467  
 Bill Text Version: **ENROLLED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> May 31, 2020 4:02 PM	<b>Author:</b> MARINO
<b>Dept./Agy.:</b> Statewide	<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Specific Felony Crimes Designated as Domestic Abuse	

CRIME/BATTERY EN SEE FISC NOTE GF EX See Note Page 1 of 1  
 Provides relative to domestic abuse

Present law provides for the crimes of domestic abuse battery and battery of a dating partner, and provides enhanced penalties under certain circumstances, including when the victim is pregnant, when the offense involves strangulation or burning, or when the offender intentionally inflicts serious bodily injury. Proposed law provides specific penalties that are applied to these crimes when committed under the following circumstance: committed with a dangerous weapons - offender shall be imprisoned at hard labor for not more than 10 years, committed with a dangerous weapon and when intentionally inflicting serious bodily injury - offender shall be imprisoned at hard labor for not more than 15 years. Proposed law designates battery of a dating partner as an act of domestic abuse for consideration in any civil or criminal proceeding. Proposed law expands the definition of family member and household member.

<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.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<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>
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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 may result in an indeterminable increase in SGF expenditures to the Department of Public Safety and Corrections - Correction Services (DPSC - CS) if a person is convicted of a crime of battery of a dating partner or domestic abuse battery with the element of intentional use of force or violence is committed with a dangerous weapon. The maximum imprisonment term is ten years at hard labor. If the offender intentionally inflicts serious bodily injury, the maximum imprisonment term is fifteen years at hard labor. The number of individuals that may be convicted of this crime 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 Department of Public Safety and Corrections - Correction Services 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.

The Louisiana Public Defenders Office reports that the proposed law may result in an indeterminable increase in the workload of public defenders because the legislation expands the definition of a "family member," which will likely result in additional Gwen's Law hearings for simple or aggravated battery.

NOTE: Gwen's Law is found in Article 313 of the Louisiana Code of Criminal Procedure. The law provides that a contradictory bail hearing can be held prior to setting bail for a person charged with domestic abuse battery, violation of protective orders, stalking, or any felony offense involving the use or threatened use of force or a deadly weapon upon their family member, household member, or dating partner.

**REVENUE EXPLANATION**

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

<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}

*Evan Brasseaux*  
**Evan Brasseaux**  
**Staff Director**