

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 402** HLS 21RS 382

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 15, 2021	10:13 AM	Author: JONES
Dept./Agy.: Corrections		Analyst: Rebecca Robinson
Subject: Sentencing for habitual offenders		

CRIMINAL/HABIT OFFENDERS
Provides relative to habitual offenders

OR SEE FISC NOTE GF EX

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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.

Proposed law makes the imposition of specific sentencing terms as provided in present law permissive, when the conviction of the offender is a second, third, fourth, or subsequent felony conviction. Provides that the court's authority with regard to sentencing offenders and vacating the previous sentence be permissive. Eliminates the mandatory requirement but still allows any sentence under present law to be at hard labor without benefit of probation or suspension of sentence. Removes the prohibition on persons convicted of a felony from being qualified for elected public office or to take elected public office. Eliminates the mandatory requirement but still allows the court to state for the record the reasons for finding the sentence imposed would be constitutionally excessive.

EXPENDITURES	2021-22	2022-23	2023-24	2024-25	2025-26	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	2021-22	2022-23	2023-24	2024-25	2025-26	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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						

EXPENDITURE EXPLANATION

There may be an indeterminable decrease to SGF expenditures for the Department of Safety & Corrections - Corrections Services (DPS&C) with the removal of mandatory enhancements for felons on subsequent felony convictions. The exact fiscal impact of this legislation is indeterminable as it is unknown how many judges may impose shorter sentences on habitual offenders. However, any offender whose sentence is shortened at the discretion of a judge would save DPS&C \$26.39 per day per offender and \$9,632 annually (\$26.39 per day per offender x 365 days) for those in adult local housing; and \$67.36 per day per offender and \$24,586 annually (\$67.36 per day per offender x 365 days) for those in a state facility.

REVENUE EXPLANATION

There may be an increase in self-generated revenue to the Department of Public Safety & Corrections - Adult Probation and Parole (probation) to the extent habitual offenders receive shortened sentences under the proposed legislation. The probation department would realize an increase in fees paid by parolees and probationers. The exact fiscal impact is indeterminable because the number of offenders who may be released and the amount of monthly fees charged is unknown.

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}

Alan M. Boxberger

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