



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **SB 66** SLS 22RS 199
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: March 21, 2022 3:06 PM **Author:** CONNICK
Dept./Agy.: Crimes **Analyst:** Rebecca Robinson
Subject: Violation of protection order - in possession of firearm

DOMESTIC VIOLENCE OR INCREASE GF EX See Note Page 1 of 1
 Enhances penalties for violation of a protective order when committed while in possession of a firearm. (8/1/22)

Current law provides that when a person is convicted of being in violation of a protective order, where the violation involves a battery or any crime of violence against the person for whose benefit the protective order is in effect, the offender shall be fined not more than \$1,000 and imprisoned with or without hard labor for not less than 3 months nor more than 2 years.

Proposed legislation maintains current law and adds the circumstance of where the violation of a protective order involves the offender going to the residence or household, school, or place of employment of the person for who benefit the protective order is in effect, while in possession of a firearm. The penalties are unchanged.

EXPENDITURES	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						
REVENUES	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>5 -YEAR TOTAL</u>
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Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						

EXPENDITURE EXPLANATION

There will be an indeterminable increase in the expenditures of the Department of Public Safety & Corrections - Corrections Services (DPS&C) to the extent a person is convicted as a result of the proposed measure. The exact fiscal impact is indeterminable, since it is unknown the number of individuals who will be convicted of a violation of a protective order, with the enhanced circumstance of being in possession of a firearm. Any individual convicted under the proposed legislation and sentenced to the custody of DPS&C increases SGF expenditures of \$26.39 per day per offender in adult local housing and \$83.23 per day per offender in a state facility. Any offender convicted of these crimes would cost DPS&C \$9,632 annually (\$26.39 per day per offender x 365 days) per offender in adult local housing and \$30,379 annually (\$83.23 per day per offender x 365 days) per offender in a state facility. The maximum period of incarceration is 5 years. The maximum increase to the SGF would be \$48,160 per offender (\$9,632 annually per offender x 5 years) in adult local housing and \$151,895 per offender (\$30,379 annually per offender x 5 years) in a state facility.

There will be an increase in local expenditures to the extent a person is convicted of a violation of a protective order, with the enhanced circumstance of being in possession of a firearm, and imprisoned without hard labor (a misdemeanor). These offenders are not in the custody of DPS&C, but rather a local jail. Local law enforcement agencies will realize an indeterminable increase in expenditures associated with prison costs. The cost increase will depend on the number of persons convicted, the minimum sentence an offender serves, and the cost per day for a local law enforcement agency to incarcerate an offender.

REVENUE EXPLANATION

There may be an indeterminable increase in local funds revenue as a result of potential fines if a person is convicted of this new crime. The maximum fine is \$2,000 and the potential revenue will accrue to the local government entities.

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

Evan Brasseaux
 Interim Deputy Fiscal Officer