



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

Fiscal Note On: **SB 315** SLS 22RS 458  
 Bill Text Version: **REENGROSSED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> May 24, 2022	11:07 AM	<b>Author:</b> WOMACK
<b>Dept./Agy.:</b> Department of Corrections		<b>Analyst:</b> Rebecca Robinson
<b>Subject:</b> Enhanced penalties		

CONTROL DANGER SUBSTANCE RE INCREASE GF EX See Note Page 1 of 1  
 Provides relative to fentanyl and carfentanil. (8/1/22)

Proposed law provides for enhanced penalties if an individual knowingly misrepresented or knowingly marketed a mixture or substance containing fentanyl, a fentanyl analogue, carfentanil, or a carfentanil analogue as another substance. Provides that drug paraphernalia does not include rapid fentanyl test strips or any testing equipment that test for fentanyl or its analogue. Classifies the distribution of fentanyl or carfentanil as a crime of violence.

<b>EXPENDITURES</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</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	<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>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

There will be an increase in SGF expenditures for the Department of Public Safety & Corrections - Corrections Services (DPS&C) to the extent an individual is convicted of knowingly misrepresenting or knowingly marketing a mixture or substance containing fentanyl as another substance. The proposed law provides for a new element to the prohibited acts concerning Schedule II drugs and provides for enhanced penalties. Any individual convicted under the proposed law may be sentenced to an additional five years at hard labor (in addition to the current term of 5 - 40 years). Any individual sentenced to the custody of DPS&C for an additional five years increases SGF expenditures by \$48,162 (\$26.39 X 365 days X 5 years) per offender in adult local housing and \$151,895 (\$83.23 X 365 days X 5 years) per offender in a state correctional facility.

There will be an increase in SGF expenditures for DPS&C as a result of classifying the distribution of fentanyl and carfentanil as a crime of violence. As a result, any individual convicted of this crime will now be required to serve 75% of their sentence rather than 35% (under current law); thus, remaining in the custody of DPS&C for a longer period of time.

For informational purposes only: DPS&C reports that in 2020 and 2021 there were 32 new admissions for convictions of distribution or possession with the intent to distribute fentanyl, with an average sentence length of 6.8 years. Under current law, these 32 individuals would serve approximately 2.4 years of the sentence imposed. Under proposed law, these 32 individuals would serve approximately 5.1 years, or an additional 2.7 years. An additional 2.7 years for any individual would cost \$26,007 per offender in adult local housing or \$82,023 per offender in a state correctional facility.

**Note:**  
 \$26.39 - Daily per diem rate per offender for adult local housing - \$9,632 annually per offender  
 \$83.23 - Daily rate per offender for a state correctional facility - \$30,379 annually per offender

**REVENUE EXPLANATION**

There will be an indeterminable increase in local funds revenue as a result of the enhanced fines in the proposed law. Revenues will accrue to the local governmental entities.

<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*  
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**Evan Brasseaux**  
 Interim Deputy Fiscal Officer