



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

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

Date: June 6, 2022 11:00 AM	Author: WOMACK
Dept./Agy.: Department of Corrections	
Subject: Enhanced penalties	Analyst: Rebecca Robinson

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

Proposed law classifies the distribution or dispensation of heroin, fentanyl, or carfentanil, which is the direct cause of serious bodily injury to the person who ingested or consumed the substance, as a crime of violence. Provides that at least five years of the sentence imposed shall be without the benefit of probation, parole, or suspension of sentence.

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

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 the distribution or dispensation of heroin, fentanyl, or carfentanil, which is the direct cause of serious bodily injury to the person who ingested or consumed the substance. The proposed law classifies these as crimes of violence and provides that at least five years of the sentence imposed shall be without the benefit of probation, parole, or suspension of sentence. To the extent an individual is convicted under the proposed law and serves at least five years in the custody of DPS&C, that would not have served the same period of time under current law, there will be an increase in costs of \$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 heroin, fentanyl, or 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.

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