

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



Fiscal Note On: **HB 75** HLS 23RS 430

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> April 4, 2023	9:33 AM	<b>Author:</b> VILLIO
<b>Dept./Agy.:</b> Corrections		
<b>Subject:</b> Penalties for Fentanyl and Carfentanil Distribution		<b>Analyst:</b> Daniel Druilhet

DRUGS/CONTROLLED OR INCREASE GF EX See Note Page 1 of 1  
Provides relative to penalties for distribution or possession with intent to distribute fentanyl or carfentanil

Current law imposes a penalty of imprisonment at hard labor for not less than five nor more than forty (40) years for a person who distributes or possesses with intent to distribute any detectable amount of fentanyl or its analogues or carfentanil. Current law and proposed law make optional a \$50,000 fine imposed on offenders.

Proposed law amends present law to delineate (based on aggregate weight and number of convictions) penalties of imprisonment for distribution or possession with intent to distribute fentanyl or carfentanil as follows: less than 28 grams - no less than 5 nor more than 40 years, 5 without parole, probation, or suspension of sentence (PPS); more than 28 but less than 250 grams - no less than 7 nor more than 40 years, on first conviction, 7 without PPS; more than 250 grams - no less than 10 nor more than 40 years, on first conviction, 10 without PPS; 28 or more grams, on second conviction - no less than 30 nor more than 40 years, 10 without PPS; 28 or more grams, on third conviction, no less than 99 years without PPS.

<b>EXPENDITURES</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</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>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

Proposed law will likely result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPSC – CS) to the extent that a person is convicted of distribution or possession with intent to distribute fentanyl and carfentanil. In 2022, there were 44 admissions with an average sentence length of 8.9 years and an expected serve time of 3.1 years. Proposed law will increase the average sentence length and expected serve time for all categories in which a sentence is required to be served without probation, parole, or suspension of sentence. Lengthening the average expected serve time will result in an increase in SGF expenditures of \$9,632 annually (\$26.39 daily per offender x 365 days) for each year beyond 3.1 years for offenders housed at local facilities or \$37,142.40 annually (\$101.76 daily per offender x 365 days) for offenders housed at state facilities. The exact fiscal impact of proposed law is indeterminable because it is not known how many people will be convicted or the length of the sentences imposed for those who are convicted as a result of this change to current law.

**REVENUE EXPLANATION**

Proposed law will likely result in an indeterminable increase in local revenues as a result of potential fines imposed for conviction of distribution or possession with intent to distribute fentanyl or carfentanil. The fine assessed for offenders convicted of distribution or possession with intent to distribute fentanyl or carfentanil varies from \$50,000 to \$500,000. The potential revenue will accrue to the local governing authority.

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**