



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **SB 112** SLS 23RS 303
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 13, 2023	8:25 AM	Author: ABRAHAM
Dept./Agy.: Corrections		
Subject: Second Degree Murder		Analyst: Daniel Druilhet

CRIME/PUNISHMENT OR INCREASE GF EX See Note Page 1 of 1
 Provides relative to second degree murder. (gov sig)

Current law provides for the definition of second degree murder. Proposed law amends current law to provide sentences of imprisonment for the offense of 2nd degree murder as follows: for an offender engaged in perpetration or attempted perpetration of any offense relative to second degree murder (other than 1st degree or 2nd degree rape)-life imprisonment at hard labor with no less than 25 years served without benefit of parole, probation, or suspension of sentence (PPS); unlawfully distributing or dispensing a controlled dangerous substance (CDS), except fentanyl or carfentanil, which is the direct cause of death (DCOD) of the recipient, life imprisonment at hard labor (with no less than 25 years served without PPS), with the balance to be served with benefit of PPS; unlawfully distributing or dispensing a CDS, except fentanyl or carfentanil, to another who subsequently distributes or dispenses the CDS which is the DCOD of the recipient, life imprisonment at hard labor, with no less than 25 years served without PPS, with the balance to be served with benefit of PPS; unlawful distribution of fentanyl which is the DCOD of the recipient, life imprisonment without benefit of PPS. Proposed law requires the Department of Public Safety & Corrections to compile a list of inmates in custody for 2nd degree murder convictions. Proposed law is only to be applied prospectively.

EXPENDITURES	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total						
REVENUES	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>5 -YEAR TOTAL</u>
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

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 a person is convicted for second degree murder and sentenced to life imprisonment without benefit of parole, probation, or suspension of sentence by distributing or dispensing fentanyl or carfentanil which is the direct cause of death for a person who ingests it. Proposed law adds to the instances that fall under the crime of second degree murder, which will have the effect of increasing the number of persons convicted and sentenced to life imprisonment without the possibility of parole, probation, or suspension of sentence. The exact fiscal impact of the passage of this legislation is indeterminable, since it is not known how many people will be convicted or the length of life sentences they will ultimately serve.

SGF expenditures will increase by \$101.76 per offender per day to the extent that an offender is convicted and then housed in a state facility or \$26.39 per offender per day for an offender housed in a local facility. An offender sentenced to the custody of the DPSC – CS for one year would increase expenditures by \$37,142.40 (\$101.76 per day x 365 days) if housed in a state facility and \$9,632.35 (\$26.39 per day x 365 days) if housed in a local facility.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure. No fines are assessed for committing the crime of second degree murder. This will result in no measurable impact on governmental revenues.

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