

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



Fiscal Note On: **SB 49** SLS 23RS 225

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> April 28, 2023	12:20 PM	<b>Author:</b> HEWITT
<b>Dept./Agy.:</b> Corrections		
<b>Subject:</b> Penalties for Creation or Operation of Clandestine Labs - CDS		<b>Analyst:</b> Daniel Druilhet

CRIME/PUNISHMENT

EG INCREASE GF EX See Note

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Increases penalties for the crime of creation or operation of a clandestine laboratory for the unlawful manufacture of certain controlled dangerous substances. (8/1/23)

Current law imposes a penalty of imprisonment at hard labor for not less than five nor more than fifteen (15) years for a person who creates or operates a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance (CDS) and makes optional an imposition of a fine of no more than \$25,000. Proposed law amends current law to add a penalty of imprisonment for creating or operating a clandestine laboratory for the unlawful manufacture of fentanyl or a mixture or substance containing a detectable amount of fentanyl, carfentanil, or its analogues as follows: on first conviction, no less than 10 nor more than 40 years imprisonment (10 of which are to be served without benefit of parole, probation or suspension of sentence (PPS)); on second conviction, no less than 30 nor more than 40 years imprisonment (10 of which are to be served without PPS); and on third or subsequent conviction, no less than 99 years imprisonment without benefit of PPS. Proposed law makes optional a fine of no more than \$500,000 on first, second, or third conviction for creating or operating a clandestine laboratory for the unlawful manufacture of fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues. Proposed law makes optional an offender paying restitution for actual governmental cost incurred in the cleanup of any hazardous waste resulting from the operation of a laboratory for the unlawful manufacture of a CDS.

EXPENDITURES	2023-24	2024-25	2025-26	2026-27	2027-28	5 -YEAR TOTAL
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>						

REVENUES	2023-24	2024-25	2025-26	2026-27	2027-28	5 -YEAR TOTAL
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**

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 (on first, third, second, subsequent conviction) of creating or operating a clandestine laboratory for the unlawful manufacture of fentanyl, carfentanil, or its analogues, or a mixture or substance containing a detectable amount of fentanyl, carfentanil, or its analogues. Proposed law has the effect of imposing longer minimum sentences for operating clandestine laboratories engaged in the manufacture of fentanyl or carfentanil as compared to sentences imposed for operating clandestine laboratories engaged in the manufacture of other controlled dangerous substances (5 years imprisonment versus 10 years imprisonment). 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 sentences imposed on those who are convicted as a result of this change to present law.

SGF expenditures will increase by \$9,632 annually (\$26.39 daily per offender x 365 days) for each year for offenders convicted and subsequently housed at local facilities or \$37,142.40 annually (\$101.76 daily per offender x 365 days) for offenders housed at state facilities.

**REVENUE EXPLANATION**

Proposed law will likely result in an indeterminable increase in local revenues as a result of potential fines imposed for creating or operating a clandestine laboratory for the unlawful manufacture of fentanyl, carfentanil, or its analogues, or a mixture or substance containing a detectable amount of fentanyl, carfentanil, or its analogues. The fine assessed for offenders convicted of proposed law is optional, and it is no more than \$500,000. Because the fines are optional and the amount of fines assessed can vary, the impact on local revenues is indeterminable. The potential revenue will accrue to the local governing authority.

Senate

Dual Referral Rules

House

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

*Evan Brasseaux*

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