



LEGISLATIVE FISCAL OFFICE
Fiscal Note

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

Date: May 4, 2023	10:15 AM	Author: ABRAHAM
Dept./Agy.: Corrections		
Subject: Second Degree Murder		Analyst: Daniel Druilhet

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

Current law provides for the definition of 2nd degree murder. Proposed law is to only be applied prospectively and amends current law to provide sentences of imprisonment for the offense of 2nd degree murder as follows: unlawfully distributing or dispensing (UDOD) a controlled dangerous substance (CDS), except fentanyl or carfentanil (FOC), which is the direct cause of death (DCOD) of the recipient, life imprisonment at hard labor (with no less than 25 years served without probation, parole or suspension of sentence (PPS); UDOD FOC or a mixture or substance containing a detectable amount of fentanyl or its analogues, which is the DCOD of the recipient, life at hard labor without benefit of PPS; unlawful distribution (UD) of a CDS, except fentanyl or a mixture or substance containing a detectable amount of FOC or its analogues to another who subsequently distributes or dispenses the CDS which is the DCOD of the recipient who consumed the CDS, life at hard labor, with at least 25 years served without PPS; UD of fentanyl or a mixture or substance containing a detectable amount of FOC or its analogues to another who subsequently distributes or dispenses the CDS which is the DCOD of the person who consumed the CDS, life without benefit of PPS. Proposed law reclassifies certain 2nd degree murder offenses as felony murder, provides sentences of imprisonment, and requires DPS&C to compile (by 9/1/2023 & annually) a list of inmates convicted of 2nd degree murder.

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	\$0	\$0	\$0	\$0	\$0	\$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	\$0	\$0	\$0	\$0	\$0	\$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 or a mixture or substance containing a detectable amount of fentanyl or its analogues 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 and reclassifies certain definitions of second degree murder as felony murder. Adding the instances of second degree murder that involve distributing or dispensing fentanyl or carfentanil or a mixture or substance containing a detectable amount of fentanyl or its analogues 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