



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **SB 107** SLS 23RS 253
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 15, 2023	5:54 PM	Author: SMITH, G.
Dept./Agy.: Corrections		
Subject: Definitions of First and Second Degree Murder		Analyst: Daniel Druilhet

CRIME/PUNISHMENT RE NO IMPACT See Note Page 1 of 1
 Provides relative to definitions of first and second degree murder and penalties. (gov sig)

Current law provides for definitions of first and second degree murder. Current law imposes a punishment for violations of second degree murder as life imprisonment at hard labor without the benefit of parole, probation, or suspension of sentence (PPS). Proposed law amends current law to re-designate certain definitions of first degree murder as second degree murder (La. R.S. 14:30(A) - 4, 6, 7, 10, and 11). Proposed law amends certain definitions of first degree murder (La. R.S. 14:30.1 - removes commission of crime of first degree murder while engaged in perpetration or attempted perpetration of first degree robbery, simple robbery and second degree cruelty to juveniles; R.S. 14:30.2 - adds correctional officers to the class of municipal or state employees included as victims under which first degree murder can be perpetrated; R.S. 14:30.3 - adds a single, multiple, or a series of criminal episodes as a consideration for the crime of first degree murder. Proposed law requires offenses re-designated as second degree murder be punishable by life imprisonment at hard labor without benefit of PPS; provides that offenders of current law second degree murder (La. R.S. 14:30.1 (A) - 1, 2, 3, 4) be subject to punishment of imprisonment at hard labor, with the first 40 years of the sentence served without benefit of PPS; and removes jury trial provisions under La. C.Cr.P. Art. 782 related to district attorneys seeking capital verdicts and sentences of imprisonment without benefit of PPS.

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

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

EXPENDITURE EXPLANATION

Proposed law, as amended, will likely result in no material effect on governmental expenditures. Proposed law, as amended, will have no impact on the expenditures of the Department of Public Safety & Corrections, the Louisiana Public Defender Board, or the Louisiana District Attorneys Association.

Department of Public Safety & Corrections - Corrections Services

Proposed law, as amended, will have no impact on the expenditures of the Department of Public Safety and Corrections - Corrections Services. The reorganization of aggravators and elimination of murder for hire, ritualistic killings, first degree murder that involves distribution of controlled dangerous substances, and first degree murder of taxicab drivers under amended proposed law will have no impact, because the expenditures for DPS&C-CS related to defending lawsuits associated with capital verdicts will remain unchanged. DPS&C-CS has incurred costs of approximately \$423,387 for defending lawsuits over the past 8 years related to capital verdicts.

Louisiana Public Defender Board

Proposed law, as amended, will have no impact on the expenditures of the Louisiana Public Defender Board, as it reorganizes some aggravators and eliminates murder for hire, ritualistic killings, killings that take place during drug transactions, and killing taxicab drivers from the list of offenses included within first degree murder. LPDB states that of the 939 cases handled since FY 2009 for which aggravator data is available, only 44 (or 4.7%) of the cases were prosecuted under aggravators eliminated by the amended proposed law. Any existing contracts related to defense of capital punishment programs and capital eligible cases will remain unchanged.

Louisiana District Attorneys Association

Proposed law, as amended, will have no impact on the expenditures of Louisiana District Attorneys. The LDAA states that the number of potential cases impacted with certain first degree murder offenses being re-designated as second degree murder is minimal and would have no impact on expenditures related to its existing duty to prosecute criminal offenses.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

<p><u>Senate</u></p> <p><input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}</p> <p><input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}</p>	<p><u>Dual Referral Rules</u></p>	<p><u>House</u></p> <p><input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}</p> <p><input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}</p>
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Evan Brasseaux

Evan Brasseaux
 Interim Deputy Fiscal Officer