

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



Fiscal Note On: **HB 464** HLS 23RS 345  
 Bill Text Version: **REENGROSSED**  
 Opp. Chamb. Action: **W/ SEN FLOOR AMD**  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> June 5, 2023	6:43 PM	<b>Author:</b> FONTENOT
<b>Dept./Agy.:</b> Corrections		<b>Analyst:</b> Daniel Druilhet
<b>Subject:</b> Possession of a Firearm by a Felon		

WEAPONS/FIREARMS REF INCREASE GF EX See Note Page 1 of 1  
 Provides relative to possession of a firearm by a felon

Current law provides the penalty of a sentence of imprisonment at hard labor for not less than five nor more than 20 years without the benefit of probation, parole, or suspension of sentence (PPS) and a fine of not less than \$1,000 nor more than \$5,000 for a person convicted of the crime of possession of a firearm or carrying of a concealed weapon by a person convicted of certain felonies. Proposed law makes it unlawful for any person to possess a firearm or carry a concealed weapon if convicted or found not guilty by reason of insanity for committing an enumerated list of offenses, including a felony crime of violence, any sex offense defined in La. R.S. 15:541, simple burglary, unauthorized entry of an inhabited dwelling, felony illegal use of weapons or instrumentalities, manufacture or possession of a delayed action incendiary device or bomb, possession or possession with intent to distribute any controlled dangerous substance (with the exception of Schedule III, IV, and V substances), and any crime of any other state or the United States which, if committed in Louisiana, would be included within the enumerated list. Proposed law amends current law to require a sentence to be served consecutively with the remaining balance of any prior sentence for a person who, while on probation or parole for a prior offense, is convicted of the crime of possession of a firearm or carrying of a concealed weapon by a felon.

<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>
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 a person is convicted and sentenced to a consecutive sentence of imprisonment for committing the crime of being in possession of a firearm or carrying a concealed weapon while on probation or parole for a prior offense. Proposed law has the effect of increasing the number of years of imprisonment for those who, while on probation or parole for a prior offense, are convicted of the crime of possession of a firearm or carrying of a concealed weapon by a felon, as imposing a requirement to serve a sentence consecutively to the balance of any prior remaining sentence will likely result in increased incarceration stays. 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 current law.

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**

Proposed law will likely result in an indeterminable increase in local revenues as a result of variable fines for offenders who are convicted of possession of a firearm or carrying a concealed weapon as a person convicted of certain felonies. While the proposed law retains mandatory fines of no less than \$1,000 nor less than \$5,000 for each conviction, the exact fiscal impact of the passage of this legislation on local revenue is indeterminable because fines imposed can vary in each instance of conviction. 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**