

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



Fiscal Note On: **HB 5** HLS 242ES 12  
 Bill Text Version: **ENGROSSED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.: **REVISED**

**Date:** February 28, 2024 9:26 AM **Author:** JOHNSON, MIKE  
**Dept./Agy.:** Corrections **Analyst:** Daniel Druilhet  
**Subject:** Designates Illegal Use of Weapons as Crime of Violence

CRIME EG INCREASE GF EX See Note Page 1 of 2  
 Designates the crime of illegal use of weapons or dangerous instrumentalities as a crime of violence (Item #8)

Current law provides an enumerated list of crimes considered crimes of violence.

Proposed law amends current law to add illegal use of weapons or dangerous instrumentalities as a crime of violence.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</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	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
<b>Annual Total</b>						
REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	<b>DECREASE</b>	<b>DECREASE</b>	<b>DECREASE</b>	<b>DECREASE</b>	<b>DECREASE</b>	
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
<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) if a person is convicted of illegal use of weapons or dangerous instrumentalities.

Proposed law increases the period of imprisonment that an offender convicted of illegal use of weapons or dangerous instrumentalities would be required to serve prior to parole eligibility. Current law (LA. R.S. 14:94) assesses variable sentences of imprisonment for illegal use of weapons or dangerous instrumentalities. Proposed law would add illegal use of weapons or dangerous instrumentalities to crimes considered crimes of violence, which requires offenders to serve 65% of the imposed sentence before parole eligibility. This will likely result in offenders spending more time in custody and increasing SGF expenditures for DPS & C – CS. 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 \$107.60 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 \$39,274 (\$107.60 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.

*For illustrative purposes, DPS&C-CS advised that on average, for the last three years, 294 individuals have been incarcerated for illegal use of weapons or dangerous instrumentalities, with an average sentence length of 3 years. If the proposed law was enacted, the average time that an inmate would serve, in the worst case scenario, would be extended by 10 years.*

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**REVENUE EXPLANATION**

There will be an indeterminable decrease in self-generated revenue to DPS&C – Probation and Parole to the extent any offender remains in custody longer and is not eligible or released on parole until a later date pursuant to proposed law. The current daily parole supervision rate for adult offenders is \$5.43 per day, which would result in an annual loss of \$1,981.95 (\$5.43 x 365) in parole supervision SGR.

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}

**Patrice Thomas**  
 Deputy Fiscal Officer



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**CONTINUED EXPLANATION from page one:**

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**[CONTINUED EXPLANATION FROM PAGE 1]**

*Under current law, the maximum sentence that can be imposed for those convicted of illegal use of weapons or dangerous instrumentalities is not more than 20 years. If required to serve no less than 65% of the sentence imposed upon designation of current law as a crime of violence, those convicted and subsequently incarcerated would be required to serve no less than 13 years ( $0.65 \times 20 = 13$ ), 10 years longer than the average sentence length under current law (13 years versus 3 years).*

*For illustrative purposes, the cost to house offenders in state facilities would increase by \$392,740 (per offender over a 10-year period). For an average of 294 inmates incarcerated each year, that figure would roughly equal \$115.5 M over a 10-year period. ( $\$39,274 \text{ per inmate} \times 294 \text{ inmates} \times 10 = \$115,465,560$ ), or approximately \$11.5 M per year.*

*In public testimony during the 2024 2<sup>nd</sup> ES, DPS&C-CS testified that impacts on offender populations are anticipated to impact the number of offenders held in local facilities. DPS&C-CS reports that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities. Therefore, while offenders impacted by the provisions of proposed law may be placed in either a state or local facility, the impact to the overall system will presumably be an increase in the number of offenders housed in local facilities. For illustrative purposes, the cost to house offenders in local facilities under the same assumptions as referenced above would increase by \$96,323.50 per offender over a 10-year period. For an average of 294 inmates incarcerated each year, that figure would roughly equal \$28.3 M over a 10-year period. ( $\$9,633 \text{ per inmate} \times 294 \text{ inmates} \times 10 = \$28,319,109$ ), or approximately \$2.8 M per year.*

**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}

  
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**Deputy Fiscal Officer**