



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 8** HLS 242ES 28
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.: **REVISED**

Date: February 28, 2024 12:22 PM	Author: SCHLEGEL
Dept./Agy.: Corrections	
Subject: Distribution of Fentanyl to Minors	Analyst: Daniel Druilhet

CONTROLLED SUBSTANCES RE INCREASE GF EX See Note Page 1 of 1
 Provides relative to distribution of fentanyl to minors (Item #24)

Current law makes it unlawful for any person to knowingly or intentionally distribute, dispense, produce, or manufacture (DDPM) a controlled dangerous substance (CDS) or create, distribute, or possess with intent to distribute (CDPID), a counterfeit controlled dangerous substance; delineates a list of sentences imposed on those convicted of knowingly or intentionally DDPM a CDS or CDPID a counterfeit controlled dangerous substance. Proposed law makes it unlawful for a person to knowingly DDPM a CDS in a manner where there is reasonable appeal to a minor due to the shape, color, taste, or design of the fentanyl or the fentanyl's packaging; imposes a sentence of imprisonment at hard labor for not less than 25 years nor more than 99 years without benefit of probation, parole, or suspension of sentence for those convicted of the proposed law.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
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	2024-25	2025-26	2026-27	2027-28	2028-29	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	\$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 (DPS&C – CS) if a person is convicted of knowingly distributing, dispensing, producing, or manufacturing a controlled dangerous substance in a manner where there is reasonable appeal to a minor due to the shape, color, taste, or design of the fentanyl or the fentanyl's packaging. 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 will be convicted as a result of this change to current law.

In public testimony during the 2024 2nd 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.

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.

Note: The LFO is working with the Department of Public Safety & Corrections - Corrections Services to obtain information relative to the number of offenders incarcerated and average sentences imposed for distribution of fentanyl in FY 23. This fiscal note will be updated once additional information is received.

REVENUE EXPLANATION

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

Senate
 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