

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 7** HLS 242ES 9
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: February 29, 2024 3:51 PM	Author: SCHLEGEL
Dept./Agy.: Corrections	
Subject: Penalties for Crime of Carjacking	Analyst: Daniel Druilhet

CRIMINAL/PENALTIES EN INCREASE GF EX See Note Page 1 of 2
 Provides relative to the penalties for the crime of carjacking (Item #9)

Current law provides that the penalty for the crime carjacking is imprisonment at hard labor for not less than two years, without benefit of parole, probation or suspension of sentence. Current law provides that the penalty for the crime of carjacking when serious bodily injury results is imprisonment at hard labor for not less than ten years nor more than twenty years, without benefit of parole, probation or suspension of sentence.

Proposed law amends present law to increase the penalty of imprisonment for carjacking to no less than five years nor more than twenty years, without benefit of parole, probation, or suspension of sentence. Proposed law amends present law to increase the penalty of imprisonment for carjacking when serious bodily injury results to no less than twenty years nor more than 30 years.

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 committing the crime of carjacking or carjacking when serious bodily injury results. 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 present 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.

Increasing the minimal sentencing for the crime of carjacking from no less than two years to no less than five years will increase minimal expenditures by \$28,897.05 over three years (for those convicted and housed in a local facility) and \$117,822 (for those housed in a state facility). Increasing the minimal sentencing for the crime of carjacking when serious bodily injury results from no less than ten years to no less than twenty years will increase minimal expenditures by \$96,323.50 for those convicted and housed in a local facility (and \$392,740 for those housed in a state facility).

For illustrative purposes, DPS&C-CS advised that on average, for the last three years, 22 individuals have been incarcerated for carjacking, with an average sentence length of 7 years. If the proposed law was enacted, the average time that an inmate would serve for carjacking, in the worst case scenario, would be extended by 13 years.

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REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure. The crime of carjacking does not include any financial penalty to be assessed against those convicted of committing the offense.

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:

[CONTINUED REVENUE EXPLANATION FROM PAGE 1]


Under current law, the maximum sentence that can be imposed for those convicted of carjacking is not more than 20 years. If required to serve an additional 13 years under proposed law (20 years versus 7 years), the cost to house offenders in state facilities would increase by \$510,562 per offender over a 13-year period (\$39,274 annually). For an average of 22 inmates incarcerated each year, that figure would roughly equal \$11.2 M over a 13-year period (\$39,274 per inmate per year x 13 years x 22 inmates = \$11,232,364) or \$864,028 per year.

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.

For illustrative purposes, the cost to house offenders in local facilities under the same assumptions as referenced above would increase by \$125,221 per offender over a 13-year period. For an average of 22 inmates incarcerated each year, that figure would roughly equal \$2.75 M over a 13-year period. (\$9,633 per inmate x 22 inmates x 13 = \$2,754,852), or approximately \$211,912 per year.

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 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}


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