

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 213** HLS 24RS 523
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: March 27, 2024 10:20 AM	Author: HILFERTY
Dept./Agy.: Corrections/Sheriffs	Analyst: Daniel Druilhet
Subject: Increased Sentences for Negligent Homicide	

CRIME EG SEE FISC NOTE GF EX See Note Page 1 of 1
 Provides relative to the crime of negligent homicide

Current law provides that offenders convicted of the crime of negligent homicide are to be sentenced to imprisonment for not more than 5 years with or without hard labor, or fined not more than \$5,000, or both; provides that if a victim of negligent homicide was killed under the age of 10 years, the offender shall be imprisoned for no less than 2 nor more than 5 years at hard labor, with or without benefit of probation, parole, or suspension of sentence; provides that if a victim of negligent homicide was killed by a dog or other animal, the owner of the dog or other animal shall be imprisoned for not more than 5 years, with or without hard labor, or fined no more than \$5,000, or both. Proposed law raises the maximum sentence of imprisonment for negligent homicide, negligent homicide of a victim killed under the age of 10 years, and negligent homicide of a victim killed by a dog or other animal to no more than 20 years imprisonment at hard labor, without benefit of parole, probation, or suspension of sentence; adds the requirement of criminal negligence for the sentence of the offense of negligent homicide, wherein the victim was killed by a dog or other animal.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	

Annual Total

EXPENDITURE EXPLANATION

Proposed law may 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 negligent homicide. Proposed law has the effect of raising the maximum sentence of imprisonment for negligent homicide, negligent homicide of a victim killed under the age of 10 years, and negligent homicide of a victim killed by a dog or other animal to no more than 20 years imprisonment at hard labor, without the benefit of parole, probation, or suspension of sentence.

Proposed law may 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 negligent homicide or negligent homicide of a victim killed by a dog or other animal. Proposed law maintains current law as a relative felony, and any impact on either local or state expenditures is contingent on whether offenders sustain either misdemeanor or felony-grade convictions for its violation.

For those convicted, sentenced, and then subsequently housed in a state facility, DPS&C-CS will sustain expenditures of \$107.60 per offender per day, or \$26.39 per offender per day for those housed in local facilities. To the extent that offenders sustain misdemeanor convictions for negligent homicide or negligent homicide of a victim killed by a dog or other animal, local governing authorities may incur an increase in Local Funds expenditures. The exact fiscal impact of the passage of this legislation to local governing authorities is indeterminable, since it is not known how many people will be convicted and incarcerated in local facilities, nor the length of the sentences assessed with those convictions as a result of its potential enactment. The maximum imprisonment term is no more than 20 years at the local level.

For informational purposes, the Department of Public Safety & Corrections - Corrections Services reports that for an average of 62 offenders that have been admitted annually over the last three years for the crime of negligent homicide, the average sentence imposed is 3.87 years, or 1.13 years less than the maximum sentence allowable under current law (5 years). To the extent that sentencing practices increase the minimum sentences assessed for violation of proposed law, there may be a fiscal impact with its enactment.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of convictions of negligent homicide, negligent homicide of a victim killed under the age of 10 years, and negligent homicide of a victim killed by a dog or other animal. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable, as the fines that would be imposed on those convicted are optional, and the amount of the fines imposed on those convicted may vary. 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}

Patrice Thomas
 Deputy Fiscal Officer