



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 735** HLS 24RS 1014
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 2, 2024	6:23 PM	Author: KERNER
Dept./Agy.: Corrections		
Subject: Penalties - Distribution of Controlled Dangerous Substances		Analyst: Daniel Druilhet

CONTROLLED SUBSTANCES OR SEE FISC NOTE GF EX Page 1 of 1
 Provides relative to penalties for distribution or possession with intent to distribute certain controlled dangerous substances

Current law provides for penalties for distribution or possession with intent to distribute Schedule I narcotic drugs as follows - distribution or possession with intent to distribute heroin or a detectable amount of heroin or its analogues, no less than 5 nor more than 40 years imprisonment at hard labor, and a mandated fine of no more than \$50,000; distribution of heroin that causes serious bodily injury to the person who ingested it - imprisonment of no less than 5 nor more than 40 years at hard labor (with at least 5 years without benefit of parole, probation, or suspension of sentence); production or manufacturing of amphetamine or methamphetamine, imprisonment for no less than 10 nor more than 30 years at hard labor (with at least 10 years served without parole, probation, or suspension of sentence); unlawfully distributing or dispensing fentanyl or a mixture containing a detectable amount of fentanyl which causes serious bodily injury, imprisonment of no less than 5 years at hard labor without the benefit of parole, probation, or suspension of sentence. Proposed law increases the maximum sentence of imprisonment on all crimes within current law to the remainder of the offender's natural life; changes sentence of imprisonment for production or manufacturing cocaine to no less than 10 years nor more than the remainder of his natural life (at least 10 without probation, parole, or suspension of sentence), and a potential fine of no more than \$5,000.

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 & Corrections-Corrections Services (DPS&C-CS), to the extent that an offender is convicted and assessed a longer sentence of imprisonment for producing or manufacturing cocaine, distributing heroin, producing or manufacturing amphetamines or methamphetamines, or distributing or dispensing fentanyl. Proposed law has the effect of raising the maximum sentence of imprisonment for producing or manufacturing cocaine, distributing heroin, producing or manufacturing amphetamines or methamphetamines, or distributing or dispensing fentanyl, to the remainder of the offender's natural life. The exact fiscal impact of the passage of this legislation is indeterminable, since it is not known how many people will be convicted with its enactment, nor the length of the sentences assessed with those convictions as a result of its potential enactment.

For those convicted 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. DPS&C-CS advises that impacts on offender populations are anticipated to impact the number of offenders held in local facilities, and that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

For informational purposes, the Department of Public Safety & Corrections - Corrections Services reports the following average annual admissions and sentences for the crimes impacted by the proposed law:

Crime	Average Admissions	Average Sentence (Years)
Producing/Manufacturing Cocaine	988	3.8
Distributing/Dispensing Fentanyl	279	4.7
Producing/Distributing Amphetamines/Methamphetamines	3,176	2.7
Producing/Distributing Heroin	793	4.3

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 producing or manufacturing cocaine, distributing heroin, producing or manufacturing amphetamines or methamphetamines, or distributing or dispensing fentanyl. 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	<u>Dual Referral Rules</u>	House
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}		<input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}


Patrice Thomas
 Deputy Fiscal Officer