

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 128** HLS 24RS 25
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 17, 2024	10:36 AM	Author: FONTENOT
Dept./Agy.: Corrections		
Subject: Possession of a Firearm by a Felon		Analyst: Daniel Druilhet

WEAPONS/FIREARMS EG INCREASE GF EX See Note Page 1 of 1
 Provides relative to possession of a firearm by a felon

Current law provides that whoever is convicted of possession of a firearm or carrying a concealed weapon by a person convicted of certain felonies shall be imprisoned at hard labor for no less than five nor more than 20 years without the benefit of probation, parole, or suspension of sentence and fined not less than \$1,000 nor more than \$5,000; provides that those convicted of attempted possession of a firearm or carrying a concealed weapon by a person convicted of certain felonies shall be assessed a penalty of imprisonment at hard labor for not more than seven and half years and a fine of not less than \$500. Proposed law amends current law to provide that if an offender is convicted of current law while on probation or parole, the sentence shall be served consecutively with the remaining balance of any sentence to be served for a prior conviction of any offense.

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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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 possession of a firearm or carrying a concealed weapon by a person convicted of certain felonies. Proposed law has the effect of mandating that any offender possessing a firearm or carrying a concealed weapon as a convicted felon while on probation or on parole be required to return to DPS&C-CS to serve the remainder of the sentence for which he was granted parole, and thereafter serve the sentence imposed for violation of current law. The exact fiscal impact of the passage of this legislation is indeterminable, because it is not known how many people will be convicted and required to serve a sentence consecutive to the remaining balance of any sentence to be served for a prior conviction of any offense for possessing a firearm or carrying a concealed weapon as a convicted felon while on probation or parole.

For illustrative purposes, SGF expenditures will increase by \$107.60 per offender per day to the extent that an offender is convicted, sentenced, and then subsequently housed in a state facility or \$26.39 per offender per day for an offender housed in a local facility. Corrections Services reports that impacts on offender populations are anticipated to affect the number of offenders held in local facilities. Corrections Services reports 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 proposed law increases the minimum term of imprisonment from 5 to 10 years for the crime of possession of a firearm by certain felons. DPS&C reports that there have been an average of 2,137 admissions in the past three years with an average sentence length of 5.6 years for those convicted of possession of a firearm or carrying concealed weapons by a person convicted of certain felonies. With enactment of proposed law, offenders would be required to serve a sentence consecutive to the remaining balance of any sentence to be served for a prior conviction of any offense for possessing a firearm or carrying a concealed weapon as a convicted felon while on probation or parole.

REVENUE EXPLANATION

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

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