



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 206** HLS 24RS 145
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 8, 2024	10:48 AM	Author: VILLIO
Dept./Agy.: Corrections/District Attorneys		Analyst: Daniel Druilhet
Subject: Commitment of Persons - Not Guilty by Reason of Insanity		

CRIMINAL/MENTAL CAPACITY EN SEE FISC NOTE SG RV See Note Page 1 of 1
 Provides relative to the commitment of certain persons who are found not guilty by reason of insanity

Current law provides that provides for procedures relative to the release or discharge of a person found not guilty by reason of insanity and committed to a mental institution. Proposed law provides that the state may seek active supervised release by the DPS&C-Probation and Parole of a committed person based upon that person's continued dangerousness (even if he does not have a mental illness) if he was acquitted by reason of insanity for any crime punishable by death or life imprisonment, a crime of violence or a sex offense and if the state proves by clear and convincing evidence that he is dangerous to himself or others; provides conditions relative to the state satisfying its burden of proof and definition of mental illness; provides that upon satisfaction of commitment criteria, the court shall order the person to be placed on active supervised release with any special conditions recommended to the court as well as any conditions of probation for a period not to exceed 3 years, and that such period may be extended in 3-year increments upon motion of the DA and proof that the person still satisfies criteria for active supervised release; provides that under no circumstances shall a person on active supervised release be subject to a probation period longer than the maximum term he would have received had he been convicted of the offense; requires the clerk of court to deliver a certificate to the committed person setting forth the conditions of his release and that the person shall agree in writing to the conditions of his release; provides a committed person can be arrested and detained for violations or suspected violations of his release; provides that it shall not be construed as abrogating or negating any other provision of law relative to commitment, discharge, or conditional release of a committed person.

EXPENDITURES	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

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.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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						

EXPENDITURE EXPLANATION

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

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in self-generated revenue to DPS&C - Probation and Parole to the extent any committed person is placed on active supervised release based upon a determination that he is a danger to others or himself (even though he does not have a mental illness). The current daily parole supervision rate for adult offenders is \$5.43 per day, which would result in an annual increase of \$1,981.95 (\$5.43 x 365) per offender in parole supervision SGR. The exact fiscal impact to Probation and Parole is indeterminable, as proposed law provides the option to the state to place committed persons on active supervised release for up to 3 years, and those within the population of offenders who may be subject to active supervised release is unknown.

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