

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 424** HLS 13RS 607  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

|  |  |
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| <b>Date:</b> April 29, 2013 3:02 PM                | <b>Author:</b> LOPINTO                 |
| <b>Dept./Agy.:</b> Corrections                     | <b>Analyst:</b> Stephanie C. Blanchard |
| <b>Subject:</b> Third and subsequent DWI offenders |  |

DWI OR SEE FISC NOTE GF EX Page 1 of 1  
 Provides relative to operating a vehicle while intoxicated

Present law provides for the following with respect to persons convicted of a third or subsequent offense of operating a vehicle while intoxicated: 1) Third offense - offender shall be imprisoned for not less than one year nor more than five years and shall be fined \$2,000 (one year of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence) 2) Fourth or subsequent offense - offender shall be imprisoned with or without hard labor for not less than 10 years nor more than 30 years and shall be fined \$5,000 (two years of the sentence shall be imposed without benefit of probation, parole, or suspension of sentence). Allows each district court to establish a drug division probation program and authorizes alcohol- or drug-related offenders to participate in such programs when the offender meets the criteria. Proposed law amends present law relative to the sentencing for a third or subsequent conviction of operating a vehicle while intoxicated, to authorize imposition of the minimum mandatory sentence with benefit of parole, probation, or suspension of sentence if the offender is accepted into a drug division probation program. If the offender has previously participated in a drug division probation program for a third offense, the offender shall not be eligible to serve his sentence with the benefit of parole, probation, or suspension of sentence pursuant to proposed law for a fourth offense.

| <b>EXPENDITURES</b> | <b>2013-14</b> | <b>2014-15</b> | <b>2015-16</b> | <b>2016-17</b> | <b>2017-18</b> | <b>5 -YEAR TOTAL</b> |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd.      | SEE BELOW      | SEE BELOW      | SEE BELOW      | SEE BELOW      | SEE BELOW      |                      |
| Agy. Self-Gen.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Ded./Other          | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Federal Funds       | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Local Funds         | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <u><b>\$0</b></u>    |
| <b>Annual Total</b> |                |                |                |                |                |                      |

| <b>REVENUES</b>     | <b>2013-14</b> | <b>2014-15</b> | <b>2015-16</b> | <b>2016-17</b> | <b>2017-18</b> | <b>5 -YEAR TOTAL</b> |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Agy. Self-Gen.      | INCREASE       | INCREASE       | INCREASE       | INCREASE       | INCREASE       |                      |
| Ded./Other          | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Federal Funds       | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Local Funds         | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <u><b>\$0</b></u>    |
| <b>Annual Total</b> |                |                |                |                |                |                      |

**EXPENDITURE EXPLANATION**

The proposed legislation will have an indeterminable impact on state general fund expenditures for the Department of Public Safety and Corrections.

One component of the proposed legislation amends present law relative to a third or subsequent conviction of operating a vehicle while intoxicated, to authorize imposition of the minimum mandatory sentence with benefit of parole, probation or suspension of sentence if the offender is accepted into a drug division probation program. This component may result in a savings of state general fund expenditures if an offender serves less time. The exact savings of state general fund expenditures is indeterminable; however, to the extent that offenders were housed in a local facility, the cost per day per offender is \$24.39 or \$8,902 annually (1 offender x \$24.39 per day x 365 days).

The second component of the proposed legislation further provides that if the offender has previously participated in such a program for a third or subsequent offense, the offender shall not be eligible to serve the minimum mandatory sentence with the benefit of parole, probation or suspension of sentence. If an offender were actually convicted of a fourth or subsequent offense and has previously participated in a drug division probation program, the mandatory minimum sentence would increase from 2 years to 3 years of the sentence be served without benefit of parole, probation, and suspension of sentence. These provisions could potentially cost the state \$24.39 per day or \$8,902 annually (1 offender x \$24.39 per day x 365 days) if the offender was housed in a local facility. To the extent that offenders are housed in a state facility the cost per day per offender is \$47.74 or \$17,425 annually (1 offender x \$47.74 per day x 365 days).

**REVENUE EXPLANATION**

The proposed legislation may result in an increase in self-generated revenue. For each offender that is released to parole at an earlier date, the Department of Corrections could collect up to \$63 per month from each offender under parole supervision. It should be noted that the maximum amount paid per month is \$63 and the offender's ability and amount he is required to pay is determined by the Board of Parole.

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|---|----------------------------|--|
| <u>Senate</u>   | <u>Dual Referral Rules</u> | <u>House</u>   |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}       |                            | <input type="checkbox"/> 6.8(F) >= \$500,000 Annual Fiscal Cost {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} |

*Evan Brasseaux*  
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