

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



Fiscal Note On: **HB 278** HLS 14RS 1004  
 Bill Text Version: **ENGROSSED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

|                                     |  |
|-------------------------------------|--|
| <b>Date:</b> March 21, 2014 9:56 AM | <b>Author:</b> HAVARD                  |
| <b>Dept./Agy.:</b> Corrections      | <b>Analyst:</b> Stephanie C. Blanchard |
| <b>Subject:</b> First degree murder |  |

CORRECTIONS EG SEE FISC NOTE GF EX See Note Page 1 of 1  
 Adds "correctional facility employee" to the list of specific victims of the crime of first degree murder

Present law defines first degree murder as the killing of a human being when certain circumstances exist or when the specific intent to kill or to inflict great bodily harm is directly related to the victim's status. Provides that persons convicted of first degree murder shall be punished by death or life imprisonment at hard labor without benefit of parole, probation, or suspension.

Proposed law adds "correctional facility employee" to the present law list of specific victims of the crime of first degree murder. Defines "correctional facility employee" as any employee of any jail, prison, or correctional facility that is not a "peace officer" as defined by present law.

| <b>EXPENDITURES</b> | <b>2014-15</b> | <b>2015-16</b> | <b>2016-17</b> | <b>2017-18</b> | <b>2018-19</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         | SEE BELOW      | SEE BELOW      | SEE BELOW      | SEE BELOW      | SEE BELOW      |                      |
| <b>Annual Total</b> |                |                |                |                |                |                      |
| <b>REVENUES</b>     | <b>2014-15</b> | <b>2015-16</b> | <b>2016-17</b> | <b>2017-18</b> | <b>2018-19</b> | <b>5 -YEAR TOTAL</b> |
| State Gen. Fd.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| 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>     | <b>\$0</b>           |
| <b>Annual Total</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>           |

**EXPENDITURE EXPLANATION**

The proposed legislation may result in an indeterminable increase in state general fund expenditures as it adds "correctional facility employee" to the present law list of specific victims of the crime of first degree murder which may slightly increase the number of offenders. If the district attorney seeks a capital verdict, the offender shall be punished by death or life imprisonment at hard labor without benefit or parole, probation, or suspension of sentence, in determination of the jury. Since district attorney's have the discretion to seek a capital verdict, the impact, if any is indeterminable at this time.

If the district attorney does not seek a capital verdict, the offender shall be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. The exact fiscal impact of the passage of this legislation to the Department of Public Safety and Corrections is indeterminable, since it is not known how many individuals will be convicted of this crime. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by \$52.51 per day per offender in a state facility. Therefore, the cost to the state would be \$19,167 annually (\$52.51 per day, per offender x 365 days) for any offender convicted as a result of the proposed legislation.

The LFO is unaware of any such occurrences of these type of employees being killed.

**REVENUE EXPLANATION**

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

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|---|----------------------------|--|---|
| <u>Senate</u>   | <u>Dual Referral Rules</u> | <u>House</u>   | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}       |                            | <input type="checkbox"/> 6.8(F)(2) >= \$500,000 State Rev. Reduc. {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} |   |

*Evan Brasseaux*  
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