

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



Fiscal Note On: **HB 332** HLS 14RS 1084  
 Bill Text Version: **ENGROSSED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> March 27, 2014 8:43 AM	<b>Author:</b> LOPINTO
<b>Dept./Agy.:</b> Corrections	
<b>Subject:</b> Criminal penalties involving Schedule I narcotic substances	<b>Analyst:</b> Stephanie C. Blanchard

CONTROLLED SUBSTANCES EG INCREASE GF EX See Note Page 1 of 1  
 Amends criminal penalties for certain offense involving Schedule I narcotic substances

Present law provides penalties for the production, manufacturing, distribution, or dispensing of a controlled dangerous substance, or for the possession with the intent to produce, manufacture, distribute, or dispense a controlled dangerous substance, which is a narcotic drug, of imprisonment for not less than five nor more than 50 years at hard labor. Requires at least five years of the sentence to be served without benefit of probation, or suspension of sentence, and may, in addition, be required to pay a fine of not more than \$50,000. Proposed law increases the minimum mandatory penalty from five years to 10 years. Present law provides penalties for the possession of a substance classified in Schedule I which is a narcotic drug of imprisonment at hard labor for not less than four years nor more than 10 years and may, in addition, be required to pay a fine of not more than \$5,000. Proposed law adds a minimum mandatory sentence of two years of imprisonment without benefit of parole, probation, or suspension of sentence.

<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.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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>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 if a defendant is convicted of the production, manufacturing, distribution, or dispensing of a Schedule I controlled dangerous substance or for the possession with the intent to produce, manufacture, distribute, or dispense a Schedule I controlled dangerous substance, which is a narcotic drug. Proposed law increases the minimum mandatory penalty from five years to 10 years. In addition, the proposed law adds a minimum mandatory sentence of two years of imprisonment without the benefit of parole, probation, or suspension of sentence if a defendant is convicted of possession of a substance classified as a Schedule I controlled dangerous substance, which is a narcotic drug. The exact fiscal impact of the passage of this legislation is indeterminable, since it is not known how many individuals will be convicted of these crimes.

According to the Department of Corrections there are currently 4,685 offenders incarcerated for the production, manufacturing, distribution, or dispensing of Schedule I narcotic drugs with an average sentence length imposed of 10 years. In 2013, there were 1,670 admissions with an average sentence length of 5 years. Any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by \$24.39 per day per offender in local facilities. To the extent an offender serves 5 additional years, the cost in a local facility would be \$44,512 (\$24.39 per day x 365 days x 5 years).

To the extent that offenders are sentenced and housed in state facilities, the cost per day per offender is \$52.51. Therefore, for any offender convicted of this crime and serves 15 additional years, the cost in a state facility would be \$95,831 (\$52.51 per day x 365 days x 5 years).

According to the Department of Corrections there are currently 925 offenders incarcerated for possession of a Schedule I narcotic drug crime with an average sentence length imposed of 20 years. In 2013, there were 912 admissions with an average sentence length of 4 years and an average time served of approximately 18 months. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by \$24.39 per day per offender in local facilities. To the extent an offender serves an additional 6 months, the cost in a local facility would be \$4,439 (\$24.39 per day x 182 days).

To the extent that offenders are sentenced and housed in state facilities, the cost per day per offender is \$52.51. Therefore, for any offender convicted of this crime and serves an additional 6 months, the cost in a state facility would be \$9,557 (\$52.51 per day x 182 days).

**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} |

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