

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 747** HLS 14RS 853
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 2, 2014	5:53 PM	Author: MORENO
Dept./Agy.: Corrections		Analyst: Stephanie C. Blanchard
Subject: Domestic abuse		

CRIME/BATTERY EG INCREASE GF EX See Note Page 1 of 1
 Provides relative to domestic abuse battery and other offenses involving domestic abuse

Present law designates certain crimes as "crimes of violence". Proposed law adds domestic abuse aggravated assault to the list of crimes of violence. Present law provides that an offender may only be placed on probation for a commission of domestic abuse battery if he is required to participate in a court-approved domestic abuse "prevention" program. Proposed law amends present law to provide that the offender shall be required to participate in a "court-approved domestic abuse intervention program" and provides that such program shall mean a 26-week course provided by DCFS or other provider. Present law provides that a person convicted of a second offense domestic abuse battery shall be imprisoned for not less than 60 days nor more than six months. Proposed law increases the term of imprisonment to not less than 60 days nor more than one year and provides that it shall be served with or without hard labor. Clarifies that this designation as domestic violence is for purposes of any civil or criminal proceeding authorized by law. Adds domestic abuse aggravated assault, false imprisonment, and false imprisonment while the offender is armed with a dangerous weapon to the list of offenses for which a defendant may not be released on their own recognizance or on the signature of any other person.

EXPENDITURES	2014-15	2015-16	2016-17	2017-18	2018-19	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2014-15	2015-16	2016-17	2017-18	2018-19	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed legislation may result in an indeterminable increase in state general fund expenditures as it increases the term of imprisonment for a person convicted of a second offense domestic abuse battery. Present law provides that person convicted of a second offense domestic abuse battery shall be imprisoned for not less than 60 days nor more than six months. Proposed law increases the term of imprisonment to not less than 60 days nor more than one year and provides that it shall be served with or without hard labor.

The exact fiscal impact of the passage of this legislation 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 \$24.39 per day per offender in local facilities. Therefore, the cost to the state would be \$8,902 annually (\$24.39 per day, per offender x 365 days).

To the extent that offenders are housed in state facilities, the cost per day, per offender is \$52.51.

The proposed legislation would also increase state general fund expenditures of the Department of Children and Family Services (DCFS) by an indeterminable amount. Proposed law provides that the offender shall be required to participate in a court-monitored domestic abuse intervention program and provides that such a program shall mean a 26-week course provided by DCFS or other provider. DCFS does not currently offer any programs for perpetrators of domestic abuse, DCFS would need additional funding and staff in order to fund these classes, if they were mandated to offer such programs.

REVENUE EXPLANATION

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

Senate	<u>Dual Referral Rules</u>	House	<input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}	<i>Evan Brasseaux</i> Evan Brasseaux Staff Director
<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}		