

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



Fiscal Note On: **HB 511** HLS 14RS 1329  
 Bill Text Version: **REENGROSSED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> April 24, 2014	8:54 AM	<b>Author:</b> GUILLORY, M
<b>Dept./Agy.:</b> Corrections		<b>Analyst:</b> Stephanie C. Blanchard
<b>Subject:</b> DWI		

DWI RE INCREASE GF EX See Note Page 1 of 1  
 Provides relative to operating a vehicle while intoxicated

Present law provides for the crime of operating a vehicle while intoxicated and provides for increased penalties for second and subsequent convictions of this offense. Provides that for the purposes of determining whether a defendant has a prior conviction for operating a vehicle while intoxicated, a conviction for a vehicular homicide, vehicular negligent injuring, or first degree vehicular negligent injuring, or a conviction under the laws of any state or ordinance which prohibits the operation of a vehicle while intoxicated shall constitute a prior conviction. Provides for a ten-year cleansing period provision which states that a prior conviction for vehicular homicide, vehicular negligent injuring, or any other state or local DWI offense which occurred more than ten years prior to the commission of the current offense shall not be considered a prior conviction. Proposed law removes convictions of vehicular homicide and first degree vehicular negligent injuring from the ten-year cleansing period so that the conviction regardless of the date of conviction relative to the current offense. Present law further provides that periods of time during which the offender was awaiting trial, on probation or parole, under an order of attachment for failure to appear, or incarcerated in a penal institution in this or any other state shall be excluded in computing the ten-year period. Proposed law retains 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.	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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

The proposed legislation may result in an increase in state general fund expenditures since convictions that are greater than 10 years old would now be counted as a prior conviction and the number of offenders convicted on second and subsequent offenses would increase. The exact fiscal impact of the passage of this legislation is indeterminable, since it is not known how many people 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.

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

To the extent that some of these crimes committed are a misdemeanor, these offenders are not sentenced to the Department of Public Safety and Corrections. Local law enforcement agencies may realize an indeterminable increase in expenditures associated with prison costs. The cost increase will depend on the number of persons convicted, the minimum sentence an offender serves, and the cost per day for a local law enforcement agency to incarcerate an offender.

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure. Any revenue generated through the imposition of fines created by this legislation would accrue to local government entities.

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> <b>Evan Brasseaux</b> <b>Staff Director</b>
<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}		