

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



Fiscal Note On: **HB 683** HLS 14RS 510

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

|                                |         |  |
|--------------------------------|---------|--|
| <b>Date:</b> May 21, 2014      | 5:09 PM | <b>Author:</b> LANDRY, TERRY           |
| <b>Dept./Agy.:</b> Corrections |         | <b>Analyst:</b> Stephanie C. Blanchard |
| <b>Subject:</b> Drug courts    |         |  |

COURTS EN DECREASE GF EX See Note Page 1 of 1  
Amends eligibility requirements for participation in drug courts and provides relative to annual evaluations of drug courts

Present law authorizes each district court to create a drug division probation program and further provides for participation, eligibility, notification, and reporting requirements. Proposed law retains present law. Present law prohibits the following defendants from participating in the drug division probation program: (1) A defendant who has prior felony convictions for any offenses defined as crimes of violence (2) A defendant whose current charge is for a crime of violence as defined by present law or an offense that involves domestic violence. Proposed law amends present law to provide for the following: (1) A defendant who has a prior felony conviction for any offense defined as a crime of violence pursuant to present law, except for any homicide offense defined by present law, shall be eligible to participate in a drug division probation program. (2) A defendant whose current charge before the court is a crime of violence as defined by present law or a felony offense of domestic abuse battery as defined by present law shall not be eligible to participate in a drug division probation program. Present law requires each drug division to develop a method of evaluation to be compiled annually and transmitted to the judicial administrator of the Louisiana Supreme Court. Proposed law retains present law and further requires that the evaluations shall include information on recidivism reduction on the participants in the program.

| <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         | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <b><u>\$0</u></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><u>\$0</u></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 could result in a potential savings to the Department of Corrections. Proposed law expands eligibility criteria related to district courts drug diversion probation programs. These provisions would reduce the length of time offenders are sentenced to incarceration; therefore, for each offender affected by the proposed legislation in the future (assuming the offender is eligible for the drug court diversion program) the state would realize a cost savings of \$17,804 or \$8,902 per offender annually (\$24.39 per offender, per day housed at the local level x 365 days).

To the extent that offenders are released from state facilities, the decrease is \$52.51 per day, per offender or \$19,167 annually.

Savings are more likely to be incurred for offenders housed at the local level due to state facilities backfilling beds in a more timely manner. Any savings may also be reduced by recidivism.

Currently, there are 10,908 offenders incarcerated for drug related crimes that are not serving time for a crime of violence and/or other crimes with an average sentence length of 10 years.

**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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