

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 582** HLS 16RS 261

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

| | | |
|---|---------|-----------------------------------|
| Date: April 4, 2016 | 7:16 AM | Author: JACKSON |
| Dept./Agy.: Corrections | | |
| Subject: Aggravated Assault Upon A Peace Officer | | Analyst: Monique Appeaning |

CRIME/ASSAULT

EG INCREASE GF EX See Note

Page 1 of 1

Provides for the crime of aggravated assault upon a peace officer

Present law provides for the crime of aggravated assault upon a peace officer with a firearm. Proposed law removes element of the offense specifying that the aggravated assault must be created with a firearm. Makes changes in other provisions of present law to provide for consistency. (Amends R.S. 14:2(B)(32) and 37.2 and R.S. 15:642(2)(b))

| EXPENDITURES | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 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 | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 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 | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Annual Total | | | | | | |

EXPENDITURE EXPLANATION

This legislation will result in an indeterminable increase in SGF expenditures as a result of changes to the sentencing guideline of the crime "aggravated assault upon a peace officer". The maximum imprisonment term is ten (10) years, with or without hard labor, or both. Proposed law removes "with a firearm" from present law.

SGF expenditures will increase by \$51.68 per offender per day if offenders are housed in state facilities and by \$24.39 for state offenders housed in local facilities. Offenders sentenced to the custody of the Department of Public Safety and Corrections for one year would increase SGF expenditures by \$18,863 (\$51.68 per day x 365 days) if housed in a state facility and \$8,902 (\$24.39 per day x 365 days) if housed in local facilities. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

To the extent an offender serves the maximum of ten (10) years, the cost in a state facility would be \$188,630 (1 offender x \$18,863 per year x 10 years) or \$89,020 (1 offender x \$8,902 per year x 10 years) if a state offender is housed in a local facility.

Note: Under present law, the number of state offenders housed for this offense is 55, with an average imposed sentence of 12.5 years and an average time served of 4.03 years.

REVENUE EXPLANATION

The proposed legislation may result in an indeterminable increase in local funds revenue as a result of sentencing guideline changes that removes "with a firearm" from present law. The maximum fine imposed is \$5,000.

Senate Dual Referral Rules House

13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

Evan Brasseaux
Staff Director