

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 931** HLS 16RS 1443
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 5, 2016	6:26 PM	Author: WHITE, MALINDA
Dept./Agy.: Corrections		Analyst: Monique Appeaning
Subject: Domestic Abuse Battery		

CRIME OR INCREASE GF EX See Note Page 1 of 1

Amends provisions of law regarding domestic abuse battery

Proposed law amends and reenacts certain sections of law relative to domestic abuse battery; to require completion of a court-monitored domestic abuse intervention program as a part of the sentence for conviction of domestic abuse battery; to provide for increased penalties in certain domestic abuse battery cases; and to provide for related matters.

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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed legislation may result in an indeterminable increase in SGF expenditures to the Department of Public Safety and Corrections (DPSC) – Correction Services as a result of proposed law under domestic abuse battery (R.S. 14.35.3) that creates a new penalty if an offender has committed domestic abuse battery as part of a pattern of intentional and repeated acts of domestic abuse in which the offender has threatened to use or has actually used physical, sexual, verbal or emotional abuse committed for the purpose of controlling a family member or household member. The sentencing guidelines are: first conviction shall serve a minimum 45 days without benefit of suspension of sentence; second conviction shall serve a minimum one year without benefit of suspension of sentence; third conviction shall serve a minimum of two years with or without hard labor without benefit of probation, parole, or suspension of sentence; and fourth or subsequent conviction shall serve a minimum of four years at hard labor without benefit of probation, parole, or suspension of sentence.

The first conviction is a misdemeanor that may result in an indeterminable increase at the local governing authority level. The second, third, fourth and subsequent convictions are state offenses and will apply the following calculation for any increase in state offenders.

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.

Note: To the extent the proposed law interacts with present law (R.S.14.35.3), an offender may have an increase in imprisonment terms imposed. The LFO is unclear as to whether the imprisonment penalty as outlined in proposed law is to apply concurrent to the existing penalty in current law or if it is to apply consecutively.

Currently, there are 223 offenders incarcerated for the crime of domestic abuse battery. In 2015 there were 211 admissions and 255 releases with an average time served of 1 month.

REVENUE EXPLANATION

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

Senate Dual Referral Rules House

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| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {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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