



LEGISLATIVE FISCAL OFFICE

Fiscal Note

ACT 368

Fiscal Note On: SB 87 SLS 14RS 497
Bill Text Version: ENROLLED
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: June 4, 2014 1:30 PM Author: CLAITOR
Dept./Agy.: Corrections Analyst: Stephanie C. Blanchard
Subject: Distribution of heroin

CONTROL DANGER SUBSTANCE EN INCREASE GF EX See Note Page 1 of 1
Increases the term of imprisonment for distribution of heroin. (gov sig)

Proposed law increases the term of imprisonment for a first conviction of the manufacturing, distribution, or possession with intent to distribute heroin from not less than 5 years to not less than 10 years nor more than 50 years, at least 10 years of which will be served without benefit of probation or suspension of sentence. A second or subsequent offense shall be sentenced to a term of imprisonment at hard labor for not less than 10 nor more than 99 years, at least 10 years of which shall be served without benefit of probation or suspension of sentence.

Table with columns: EXPENDITURES, REVENUES, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19, 5-YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total.

EXPENDITURE EXPLANATION

The proposed legislation may result in an indeterminable increase in state general fund expenditures if a defendant is convicted of the manufacturing, distribution, or possession with the intent to distribute heroin. The exact fiscal impact of the passage of this legislation is indeterminable, since it is not known how many individuals will be convicted of these crimes. The proposed legislation increases the term of imprisonment for a first offense from not less than 5 years to not less than 10 years nor more than 50 years, at least 10 years of which will be served without benefit of probation or suspension of sentence. A second or subsequent offense shall be sentenced to a term of imprisonment at hard labor for not less than 10 nor more than 99 years, at least 10 years of which shall be served without benefit of probation or suspension of sentence. However, the term of imprisonment is at the discretion of the judges and could be significantly less.

According to the Department of Corrections, in 2013 there were 244 offenders with an average sentence length of 5 years. 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 an offender serves 5 additional years, the cost in a local facility would be \$44,512 (\$24.39 per day x 365 days x 5 years).

To the extent that offenders are sentenced and housed in state facilities, the cost per day per offender is \$52.51. Therefore, for any offender convicted of this crime and serves 5 additional years, the cost in a state facility would be \$95,831 (\$52.51 per day x 365 days x 5 years).

REVENUE EXPLANATION

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

- Senate Dual Referral Rules House
13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}
13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}
6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
6.8(F)(2) >= \$500,000 State Rev. Reduc. {H & S}
6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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