

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 842** HLS 15RS 2383
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action: **w/ SEN COMM AMD**
 Proposed Amd.:
 Sub. Bill For.: HB 488

Date: June 3, 2015 1:07 PM	Author: MORENO
Dept./Agy.: Corrections	Analyst: Monique Appeaning
Subject: Domestic Abuse	

DOMESTIC ABUSE EG1 INCREASE GF EX See Note Page 1 of 1
 Provides relative to domestic abuse

Current law has sentencing guidelines for violations of protective orders on third or subsequent convictions that do not involve battery or any crime of violence as defined by R.S. 14.2(B). The maximum imprisonment term is 6 months. Proposed law changes the maximum imprisonment term to 2 years.

Current law has sentencing guidelines for violations of protective orders for whoever is convicted of violating a protective order where the violations involves a battery or crime of violence as defined by R.S. 14:2(B). The maximum imprisonment is 6 months and a minimum of 15 days without the benefit of parole. Proposed law changes the maximum imprisonment term to 2 years and a minimum of 30 days without the benefit of parole. It also provides for imprisonment with or without hard labor for certain offenses.

Current law provides for a court-approved domestic abuse counseling program for certain offenses; however, the proposed law changes it to court-monitored domestic abuse intervention program as defined by R.S. 14:35.3 for certain offenses.

EXPENDITURES	2015-16	2016-17	2017-18	2018-19	2019-20	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	2015-16	2016-17	2017-18	2018-19	2019-20	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

The proposed legislation will result in an indeterminable increase in state and/or local expenditures as a result of sentencing guideline changes for violation of protective orders. Also, this legislation adds "family member" to the Domestic Abuse Battery Offense and the Domestic Abuse Aggravated Assault Offense. Further, it adds "written" as a form of stalking to the Stalking Offense. These changes expand the aforementioned offenses and may result in an indeterminable increase in state expenditures and/or local expenditures. To the extent offenders are the responsibility of the state, the following information reflects the cost to house a state offender in a state facility or a local facility.

State General Fund (SGF) expenditures will increase by \$51.62 per offender per day if offenders are housed in state facilities and increase 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 will increase SGF expenditures by \$18,841 (\$51.62 per day x 365 days) if housed in a state facility and \$8,902 (\$24.39 per day x 365 days) if housed in a local facility.

Finally, this legislation requires the Louisiana Bureau of Criminal Identification and Information to obtain and file certain data on offenders. There is no increase in expenditures to implement this section.

Note: Currently, there are 185 offenders in the state's custody for domestic abuse with an average imprisonment term of 6 years. There are also 28 offenders in the state's custody for stalking with an average imprisonment term of 6 years.

For illustrative purposes, if we assume this legislation increases the number of state offenders by 5% (or 9 offenders), the annual cost to house these offenders in state facilities is \$169,569 (9 x \$18,841). If these state offenders are housed in local facilities, the annual cost to house them is \$80,118 (9 x \$8,902).

REVENUE EXPLANATION

The proposed legislation may result in an increase in revenue as a result of expanding the type of offenders subject to penalties. This revenue change will impact the local governing authority.

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| Senate | <u>Dual Referral Rules</u> | House | <input checked="" type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} |
| <input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | | | <input type="checkbox"/> 6.8(F)(2) >= \$500,000 Rev. Red. to State {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
Evan Brasseaux
Staff Director