

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



Fiscal Note On: **HB 178** HLS 20RS 571  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.: **w/ PROP HSE COMM AMD**  
 Sub. Bill For.:

<b>Date:</b> May 2, 2020	6:27 AM	<b>Author:</b> MARINO
<b>Dept./Agy.:</b> Statewide		<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Suspension & Deferral of Sentence & Probation in Felony Cases		

PROBATION OR SEE FISC NOTE LF EX See Note Page 1 of 1  
 Provides relative to the suspension or deferral of sentence and probation in felony cases

Present law provides that the court shall not defer a sentence for certain offenses, including violation of the Uniform Controlled Dangerous Substances Law that is punishable by a term of imprisonment of more than five years; provides that upon motion of the defendant in certain cases, if the court finds at the conclusion of the probationary period that the probation of the defendant has been satisfactory, the court may set aside the conviction and dismiss the prosecution (such dismissal shall occur only once). Proposed law changes the limitation for allowing deferral of a sentence for violations of the Uniform Controlled Dangerous Substances law that is punishable by a term of imprisonment of more than five years, to apply to a term of imprisonment of more than ten years. Proposed law removes the limitation that courts may set aside a conviction and dismiss the prosecution of certain offenses only once, allowing repeat or duplicative dismissals.

<b>EXPENDITURES</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						
<b>REVENUES</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</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>\$0</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**

Proposed law may result in an indeterminable change in Local Funds expenditures to Local governing authorities for district attorney costs. The Louisiana District Attorneys Association (LDAA) reports that the proposed law makes several changes to suspension and deferral of sentences under Code of Criminal Procedures (CCRP) 893. Proposed law changes the prohibition on receiving a deferred sentence in certain circumstances. Currently, those convicted of a manufacturing or distribution drug offense punishable by more than five years are prohibited from receiving an 893 deferral. Proposed law changes the prohibition to impact drug offenses punishable by more than ten years. Proposed law results in three additional crimes to be eligible for an 893 deferral. The three additional crimes are possession of marijuana fourth offense, possession of fentanyl 2g -28g, and possession of flunitrazepam. The Office of District Attorney is charged with prosecuting criminal offenses in his/her jurisdiction and reports the provisions of proposed law could result in an increase in the number of these cases that plead in order to obtain a deferred sentence. LDAA reports that it cannot estimate the fiscal impact because it is unable to determine the number of these cases that would otherwise have plead or gone to trial.

Proposed law removes the limitations permitting certain offenders to receive only one 893 deferral. The Office of District Attorney is charged with prosecuting criminal offenses in his/her jurisdiction and this could result in an increase in the number of cases that plea in lieu of trial because the offender could get the benefit of the 893 deferral on each felony conviction. The LDAA reports that it cannot estimate the fiscal impact because it is unable to determine the number of cases that would otherwise have plead or gone to trial.

While it is impossible to quantify the fiscal impact at this time, making additional offenders eligible for 893 deferrals could result in decreased trial, court and incarceration costs.

**REVENUE EXPLANATION**

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

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>
<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}

*Evan Brasseaux*  
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**Staff Director**