LEGISLATIVE FISCAL OFFICE
Fiscal Note

Louisiana Legislative Fiscal Office — Fiscal Notes

Fiscal Note On: **SB 69** SLS 21RS 281
Bill Text Version: **ENGROSSED**
Opp. Chamb. Action: **w/ HSE FLOOR AMD**
Proposed Amd.:
Sub. Bill For.:

Date: June 8, 2021 4:29 PM
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Dept./Agy.: Corrections
Subject: Creation of a new crime
Analyst: Rebecca Robinson

CONTROL DANGER SUBSTANCE EGF INCREASE GF EX See Note

Creates the crime of aggravated distribution of a controlled dangerous substance. (gov sig)

Proposed law created the crime of aggravated distribution of a controlled dangerous substance and provides the elements of the offense. Penalties include imprisonment at hard labor for not less than five years nor more than forty years, at least two of which shall be imposed without the benefit of probation, parole, or suspension of sentence, and in addition may be fine not more than $50,000. Proposed law amends R.S. 14:2(B) and includes the aggravated distribution of a controlled dangerous substance as a crime of violence. Proposed law amends the Code of Criminal Procedure to include the responsive verdicts for the crime of aggravated distribution of a controlled dangerous substance.

EXPENDITURES	**2021-22**	**2022-23**	**2023-24**	**2024-25**	**2025-26**	**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	$0	$0	$0	$0	$0	**$0**
Annual Total						

REVENUES	**2021-22**	**2022-23**	**2023-24**	**2024-25**	**2025-26**	**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	$0	$0	$0	$0	$0	**$0**
Annual Total	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**

EXPENDITURE EXPLANATION

There may be an indeterminable increase in SGF expenditures to the Department of Public Safety & Corrections - Corrections Services (DPS&C) if a person is convicted of the aggravated distribution of a controlled dangerous substance. The exact fiscal impact of the passage of this legislation is indeterminable, since the legislation creates a new crime and it is not known how many individuals will be convicted of the crime. Proposed law provides an additional charge for District Attorneys (DAs) to consider when examining evidence related to the arrest of individuals suspected of committing or being involved in the commission of certain crimes related to the distribution of a controlled dangerous substance. The potential expenditure impact is indeterminable as the number of offenders that DAs may decide to prosecute under proposed law in lieu of prosecuting under existing statutes is unknown. The potential net effect on sentencing decisions cannot be determined and the potential cost impact is therefore unknown. However, any offender sentenced to the custody of DPS&C increases SGF expenditures of $26.39 per day per offender in adult local housing and $67.36 per day per offender in a state facility. Any offender convicted of these crimes would cost DPS&C $9,632 annually ($26.39 per day per offender x 365 days) per offender in adult local housing and $24,586 annually ($67.36 per day per offender x 365 days) per offender in a state facility.

If a person is convicted of the aggravated distribution of certain controlled dangerous substances as detailed in proposed §981.4(A)(1) or (2), the maximum time of incarceration is 20 years. If a person is convicted of the aggravated distribution of controlled dangerous substances including fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues as detailed in proposed §981.4(A)(1) or (2), the offender shall be imprisoned for not less than 5 years nor more than 40. If a person is convicted of the aggravated distribution of controlled dangerous substances including fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues as detailed in proposed §981.4(A)(3), the offender shall be imprisoned for not less than 5 years nor more than 40. The maximum increase to the SGF would be $385,280 per offender ($9,632 annually per offender x 40 years) in adult local housing and $983,440 per offender ($24,586 annually per offender x 40 years) in a state facility.

REVENUE EXPLANATION

There may be an indeterminable increase in local funds revenue as a result of potential fines if a person is convicted of the aggravated distribution of a controlled dangerous substance, with a maximum fine of $50,000. The potential revenue will accrue to the governmental entities.

Senate — Dual Referral Rules

- [ ] 13.5.1 >= $100,000 Annual Fiscal Cost {S & H}
- [ ] 13.5.2 >= $500,000 Annual Tax or Fee Change {S & H}

House

- [ ] 6.8(F)(1) >= $100,000 SGF Fiscal Cost {H & S}
- [ ] 6.8(G) >= $500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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