



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 844** HLS 22RS 1267
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 28, 2022	3:41 PM	Author: ADAMS
Dept./Agy.: Corrections		
Subject: Penalties for distribution/possession heroin and fentanyl		Analyst: Rebecca Robinson

CONTROLLED SUBSTANCES EG DECREASE GF EX See Note Page 1 of 2
 Provides relative to penalties for distribution or possession with intent to distribute heroin and fentanyl and carfentanil

Current law provides that persons convicted of the distribution or possession with intent to distribute heroin, fentanyl, or carfentanil shall be imprisoned at hard labor for not less than 5 years nor more than 40 years, and may impose a fine of not more than \$50,000.

Proposed law retains present law but increases the minimum period of imprisonment to 10 years. Reduces penalties for defendants convicted of the distribution or possession with intent to distribute heroin, fentanyl, and carfentanil, who provide substantial assistance to the state or law enforcement. Provides for a reduced sentence of imprisonment at hard labor for not less than 5 years nor more than 20 years, and may impose of fine of not more than \$20,000. Provides that any conviction under this statute shall be served without the benefit of parole, probation, or suspension of sentence.

[CONTINUED ON PAGE 2]

EXPENDITURES	2022-23	2023-24	2024-25	2025-26	2026-27	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW					
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>	<u>\$0</u>
Annual Total						

REVENUES	2022-23	2023-24	2024-25	2025-26	2026-27	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Annual Total						

EXPENDITURE EXPLANATION

There will be an indeterminable fiscal impact for the Department of Public Safety & Corrections - Corrections Services (DPS&C) as a result of the proposed law. The net impact will depend on the number of persons convicted of the distribution or possession with the intent to distribute heroin, fetanyl, or carfentanil, the number of persons that provide substantial assistance to the state or law enforcement, and the number of persons no longer able to choose treatment in lieu of incarceration.

There will be an **increase** in SGF expenditures for DPS&C to the extent a defendant is convicted of the distribution or possession with the intent to distribute heroin, fentanyl, or carfentanil. A defendant convicted shall be imprisoned for not less than 10 years under the proposed law, an increase of 5 years in the minimum sentence over the current law, which would result in an increased cost of \$48,162 (\$26.39 x 365 x 5 years) per offender in adult local housing and \$151,895 (\$83.23 x 365 x 5 years) per offender in a state correctional facility. There will also be an increase in SGF expenditures due to the fact that these offenders will not be eligible for parole, probation, or suspension of sentence.

However, there will be a **decrease** in SGF expenditures for DPS&C to the extent a defendant, who would have received a sentence of 21 to 40 years under current law, but now provides substantial assistance to law enforcement and is sentenced to 5 to 20 years under proposed law. There will be a savings anywhere from \$202,279 per offender (\$26.39 x 365 x 21 years) to \$385,294 per offender (\$26.39 x 365 x 40 years) in adult local housing. There will be a savings anywhere from \$637,958 per offender (\$83.23 x 365 x 21 years) to \$1,215,158 per offender (\$83.23 x 365 x 40 years) in a state correctional facility. While these offenders shall serve without the benefit of parole, probation, or suspension of sentence, they will serve less time under proposed law than under current law.

There will be an **increase** in SGF expenditures for DPS&C to the extent a defendant convicted of the possession with the intent to distribute heroin, fentanyl, or carfentanil, who would have chosen treatment in lieu of incarceration under current law, but will now be sentenced to a term of imprisonment under the proposed law.

For informational purposes only: there were 408 new admissions to DPS&C for convictions of the distribution or possession with the intent to distribute heroin, fentanyl, or carfentanil in 2020 and 2021.

REVENUE EXPLANATION

There will be a decrease in local funds revenue to the extent a defendant, convicted of the distribution or possession with intent to distribute heroin, fentanyl, or carfentanil, provides substantial assistance to law enforcement under the proposed law. The maximum fine will be reduced from a maximum of \$50,000 to a maximum of \$20,000.

[CONTINUED ON PAGE 2]

<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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 Interim Deputy Fiscal Officer



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CONTINUED EXPLANATION from page one:

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[CONTINUED DESCRIPTION FROM PAGE 1]

Current law provides for treatment in lieu of incarceration for persons convicted of possession with intent to distribute heroin or possession of heroin, fentanyl, or carfentanil. Proposed law removes the authority of the court to provide treatment in lieu of imprisonment for convictions of possession with intent to distribute.

[CONTINUED REVENUE EXPLANATION FROM PAGE 1]

There will be an indeterminable decrease in self-generated revenue to DPS&C - Adult Probation and Parole as a result of a person convicted under the proposed law not being eligible for parole, probation, or suspension of sentence as under current law.

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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