

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 132** SLS 24RS 472
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: March 21, 2024 5:00 PM	Author: MILLER, G.
Dept./Agy.: Corrections/Sheriffs	Analyst: Daniel Druilhet
Subject: Penalties - Illegal Carrying of a Firearm at a Parade	

CRIME/PUNISHMENT EG SEE FISC NOTE GF EX Page 1 of 1
 Provides relative to the penalties for illegal carrying of a firearm at a parade. (8/1/24)

Current law provides that the penalty for committing the crime of illegal carrying of weapons with any firearm used in the commission of a crime of violence within 1,000 feet of any parade or demonstration for which a permit is issued by any governmental entity shall be fined not more than \$2,000, or sentenced to imprisonment for no less than 1 nor more than 5 years, with or without hard labor, or both; provides that the penalties for possession of a firearm occurring within 1,000 feet of a public gathering entirely within a private residence or in accordance with a concealed handgun permit issued by state law (R.S. 40:1379.1). Proposed law retains current law and adds that the entire sentence of imprisonment, not to exceed the first three years for sentences longer than three years, shall be served without benefit of parole, probation, or suspension of sentence; adds additional state law regarding concealed handgun permitting (R.S. 1379.3) as an exception to the penalty for possession of a firearm occurring within 1,000 feet of a public gathering entirely within a private residence; becomes effective 8/01/24.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						
REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	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

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPS&C – CS), to the extent that an offender is convicted and sentenced to imprisonment for more than three years for possession of illegal carrying of weapons with any firearm used in the commission of a crime of violence within 1,000 feet of any parade or demonstration for which a permit is issued by any governmental entity. Proposed law provides a higher minimum sentence for those assessed a sentence of imprisonment longer than three years, which may have the effect of increasing sentences imposed for violation of the proposed law. The exact fiscal impact of the passage of this legislation is indeterminable, because it is not known how many people will be convicted and subject to a sentence of imprisonment as a result of its potential enactment, nor the length of sentences assessed with those convictions as a result of its potential enactment. Current law is a relative felony, and any impact on either local or state expenditures is contingent on whether offenders sustain either misdemeanor or felony-grade convictions for its violation.

Proposed law may result in an indeterminable increase in SGF expenditures in DPS&C-CS by \$107.60 per offender per day for an offender housed in a state facility, and \$26.39 per offender per day for an offender housed in a local facility. To the extent that offenders sustain a felony-grade conviction for violation of the proposed law, DPS&C-CS will sustain an indeterminable increase in expenditures at the local level. DPS&C-CS advises that impacts on offender populations are anticipated to impact the number of offenders held in local facilities, and that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities. For those convicted, sentenced, and then subsequently housed in a local facility, DPS&C-CS will sustain expenditures of \$26.39 per offender per day.

To the extent that offenders sustain a misdemeanor conviction for violation of the proposed law, local governing authorities may sustain Local Funds expenditures. The exact fiscal impact of the passage of this legislation to local governing authorities is indeterminable, since it is not known how many people will be convicted and incarcerated in local facilities, nor the length of the sentences assessed with those convictions as a result of its potential enactment. The maximum imprisonment term is no more than five years at the local level.

For informational purposes, the Department of Public Safety & Corrections - Corrections Services reports that in 2019, there was one (1) admission (no admits in 2020, 2021, 2022, or 2023) with an average sentence length of 1 year for those convicted of illegal carrying of weapons with any firearm used in the commission of a crime of violence within 1,000 feet of any parade or demonstration. To the extent that sentencing practices increase the minimum sentences assessed for violation of proposed law, there may be a fiscal impact with the passage of the proposed law.

REVENUE EXPLANATION

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

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}

Patrice Thomas
 Deputy Fiscal Officer