



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 128** HLS 25RS 17
Bill Text Version: **ORIGINAL**
Opp. Chamb. Action:

Proposed Amd.:
Sub. Bill For.:

Date: April 21, 2025 6:27 PM	Author: CARTER, WILFORD
Dept./Agy.: Corrections and Sheriffs	
Subject: Deviation of Sentencing Guidelines for Certain Offenses	Analyst: Daniel Druilhet

CRIMINAL/SENTENCING OR SEE FISC NOTE GF EX Page 1 of 1
Provides relative to sentencing guidelines

Proposed law requires courts to deviate from the designated sentencing range when the penalty for a criminal offense consists of a mandatory minimum sentence and sufficient aggravating or mitigating circumstances are significantly present to differentiate the case from the typical case arising under the offense of conviction; provides that when deviating from a designated sentencing range, the court shall pronounce a sentence which is proportional to the seriousness of the offense and the offender’s criminal history and state for the record the reasons for the deviation which shall specify the mitigating or aggravating circumstances and the factual basis thereof; provides definitions for aggravating circumstances and mitigating circumstance.

EXPENDITURES	2025-26	2026-27	2027-28	2028-29	2029-30	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	2025-26	2026-27	2027-28	2028-29	2029-30	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

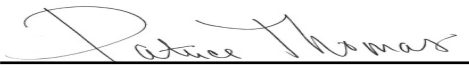
Proposed law may result in an indeterminable impact to SGF expenditures to the Department of Public Safety and Corrections - Corrections Services (DPS&C-CS), to the extent that judges that deviate from sentencing guidelines either enhance or reduce sentences imposed on those convicted of crimes. The proposed law has the effect of either enhancing or reducing sentences imposed on those convicted of crimes based on a variety of enumerated factors. The exact fiscal impact of the proposed law is indeterminable, as it is unknown the number and length of sentences that will be impacted due to judicial deviation from sentencing guidelines, considering mitigating and aggravating circumstances.

To the extent that judicial consideration of aggravating circumstances enhances sentences for those convicted of crimes under the proposed law, DPS&C-CS may sustain an indeterminable increase in expenditures at the local level. For those convicted, sentenced, and then subsequently housed in a state facility, DPS&C-CS will sustain expenditures of \$107.60 per offender per day. For those housed in local facilities, DPS&C-CS will sustain expenditures of \$26.39 per offender per day. 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. Conversely, to the extent that judicial consideration of mitigating circumstances reduces sentences for those convicted of crimes under the proposed law, DPS&C-CS may sustain an indeterminable decrease in expenditures at the local level commensurate with the same daily rates for housing in state and local facilities.

Proposed law may also result in an indeterminable impact to Local Funds expenditures to local governing authorities to the extent that judges that deviate from sentencing guidelines either enhance or reduce sentences imposed on those convicted of crimes. The exact fiscal impact of this legislation to local governing authorities is indeterminable, since it is not known the number and length of sentences that will be impacted due to judicial deviation from sentencing guidelines, considering mitigating and aggravating circumstances.

REVENUE EXPLANATION

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

Senate	Dual Referral Rules	House	
<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}	
			Patrice Thomas Deputy Fiscal Officer