

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 82** HLS 26RS 73
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 8, 2026	12:37 PM	Author: VILLIO
Dept./Agy.: Corrections and Sheriffs		Analyst: Daniel Druilhet
Subject: Penalties for DWI Offenses		

DWI RE SEE FISC NOTE GF EX Page 1 of 2
 Provides relative to penalties for DWI offenses

Current law provides for increased penalties for a second offense of driving while under the influence if the offender was previously convicted for vehicular homicide, third degree feticide, and first degree vehicular negligent injuring. Proposed law increases the minimum sentence of imprisonment for second offense driving while impaired from no less than one year to no less than two years of imprisonment, with one year (instead of six months) without benefit of parole, probation, or suspension of sentence; provides that for convictions of vehicular homicide, third degree feticide, or first degree negligent injuring, then on a third or subsequent offense of operating a vehicle while impaired, he shall be sentenced to no less than 5 nor more than 15 years imprisonment, with or without hard labor, with no less than five without benefit of parole, probation, or suspension of sentence; provides probation may include, but is not limited to, suspension of all or any part of the remainder of a sentence, but no less than time equal to the sentence; provides option for sentencing involving substance abuse treatment; provides that notwithstanding exceptions, for convictions of vehicular homicide, third degree feticide, or first degree negligent injuring, on a fourth or subsequent offense of operating a vehicle while impaired, an offender be sentenced to no less than 12 nor more than 30 years, with or without hard labor, without benefit of parole, probation, or suspension of sentence.

EXPENDITURES	2026-27	2027-28	2028-29	2029-30	2030-31	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	2026-27	2027-28	2028-29	2029-30	2030-31	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	\$0	\$0	\$0	\$0	\$0	\$0

Annual Total

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections - Corrections Services, to the extent that an offender is convicted of second, third, or fourth offenses for operating while impaired, with a prior conviction of vehicular homicide, third degree feticide, or first degree vehicular negligent injuring. Proposed law has the effect of increasing the minimum sentences imposed on offenders previously convicted of vehicular homicide, third degree feticide, and first degree vehicular negligent injuring that are thereafter convicted for second, third, or fourth offenses of operating while impaired. Proposed law is a relative felony, and any impact on expenditures is contingent on whether offenders receive misdemeanor or felony-grade convictions. The exact fiscal impact is indeterminable, because it is unknown the number of new offenders who will be convicted of second, third, or fourth offenses of operating while impaired, with a prior conviction of vehicular homicide, third degree feticide, and first degree vehicular negligent injuring. Additionally, in some instances (third offense - operating while impaired), the sentences of imprisonment may be offset by courts being allowed to suspend all or the remainder of a sentence.

To the extent that offenders sustain a felony-grade conviction for violation of proposed law, DPS&C-CS will sustain an indeterminable increase in expenditures. 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 convicted, sentenced, and then subsequently housed in a local facility, DPS&C-CS will sustain expenditures of \$29.39 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 in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities. Page two of this fiscal note provides additional information based on whether the offender is convicted of a second, third, or fourth offense of operating while impaired.

To the extent that offenders sustain a misdemeanor conviction for violation of the proposed law, local governing authorities will 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.

[CONTINUED ON PAGE TWO]

REVENUE EXPLANATION

Proposed law may result in an increase in Self-Generated Revenue to the Department of Public Safety and Corrections-Probation and Parole to the extent any offender has all or a portion of a sentence suspended for a third offense of operating while impaired and is placed under the supervision of DPS&C-Probation and Parole. The current daily parole supervision rate for adult offenders is \$6.67 per day, which may result in an annual increase of \$2,434 (\$6.67 x 365) in parole supervision SGR.

Senate
 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



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CONTINUED EXPLANATION from page one:

[CONTINUED FROM PAGE ONE - EXPENDITURES]

Second Offense - Operating While Impaired

For informational purposes, DPS&C-CS currently does not house offenders in state facilities with a second offense of operating while impaired, so any expenditures will be sustained at the local daily rate. For each new offender convicted of a second offense of driving while impaired, DPS&C-CS will sustain additional expenditures of \$10,727 per offender (\$29.39 x 365 x 1).

Third Offense - Operating While Impaired

Since 2024, there has been an average of 35 persons annually admitted to the custody of DPS&C-CS for a third offense of operating while impaired, with an average time served of 0.3 years. None of these offenders sustained an additional conviction of vehicular homicide, third degree feticide, or first degree negligent injuring. Proposed law has the impact of mandating a minimum of five years to be served without the benefit of parole, probation, or suspension of sentence. The fiscal impact of any sentence imposed for offenders convicted of a third offense of operating while impaired, who also have prior convictions for vehicular homicide, third degree feticide, or first degree vehicular negligent injuring, is unknown.

Fourth Offense - Operating While Impaired

Since 2024, there has been an average of 17 persons annually admitted to the custody of DPS&C-CS for operating while impaired, with an average time served of 0.4 years. None of these offenders sustained an additional conviction of vehicular homicide, third degree feticide, or first degree negligent injuring. Proposed law has the impact of mandating a minimum of twelve years imprisonment to be served without the benefit of parole, probation, or suspension of sentence. The fiscal impact any sentence imposed for offenders convicted of a fourth offense of operating while impaired, who also have prior convictions for vehicular homicide, third degree feticide, or first degree vehicular negligent injuring, is unknown.

Senate

Dual Referral Rules

House

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

- 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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Deputy Fiscal Officer