

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 278** HLS 14RS 1004
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 14, 2014 3:23 PM	Author: HAVARD
Dept./Agy.: Corrections	Analyst: Stephanie C. Blanchard
Subject: First degree murder	

CORRECTIONS EN SEE FISC NOTE GF EX See Note Page 1 of 1
 Adds "correctional facility employee" to the list of specific victims of the crime of first degree murder

Present law defines first degree murder as the killing of a human being when certain circumstances exist or when the specific intent to kill or to inflict great bodily harm is directly related to the victim's status. Provides that persons convicted of first degree murder shall be punished by death or life imprisonment at hard labor without benefit of parole, probation, or suspension.

Proposed law adds "correctional facility employee" to the present law list of specific victims of the crime of first degree murder. Defines "correctional facility employee" as any employee of any jail, prison, or correctional facility who is not a "peace officer" as defined by present law.

EXPENDITURES	2014-15	2015-16	2016-17	2017-18	2018-19	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	SEE BELOW					
Annual Total						
REVENUES	2014-15	2015-16	2016-17	2017-18	2018-19	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed legislation may result in an indeterminable increase in state general fund expenditures as it adds "correctional facility employee" to the present law list of specific victims of the crime of first degree murder which may slightly increase the number of offenders. If the district attorney seeks a capital verdict, the offender shall be punished by death or life imprisonment at hard labor without benefit or parole, probation, or suspension of sentence, in determination of the jury. Since district attorney's have the discretion to seek a capital verdict, the impact, if any is indeterminable at this time.

If the district attorney does not seek a capital verdict, the offender shall be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. The exact fiscal impact of the passage of this legislation to the Department of Public Safety and Corrections is indeterminable, since it is not known how many individuals will be convicted of this crime. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by \$52.51 per day per offender in a state facility. Therefore, the cost to the state would be \$19,167 annually (\$52.51 per day, per offender x 365 days) for any offender convicted as a result of the proposed legislation.

The direct cost associated with a death row inmate is approximately \$87.26 per day or \$31,850 annually. This does not include any administrative or indirect costs.

The LFO is unaware of any such occurrences of these type of employees being killed.

REVENUE EXPLANATION

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

Senate <u>Dual Referral Rules</u> <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}	House <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} <input type="checkbox"/> 6.8(F)(2) >= \$500,000 State Rev. Reduc. {H & S} <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}	<i>Evan Brasseaux</i> Evan Brasseaux Staff Director
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