

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 127** HLS 20RS 534  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> March 16, 2020 7:48 AM	<b>Author:</b> VILLIO
<b>Dept./Agy.:</b> Statewide	<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Elements Eliminated from Specific Offenses	

CRIME OR SEE FISC NOTE GF EX Page 1 of 1

Provides relative to certain offenses when the offender knowingly consumes quantities of a drug that exceed the prescribed or recommended dosage

Proposed law removes, "the influence is caused by the operator knowingly consuming quantities of the drug or drugs which substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug" from the following crimes: vehicular homicide, third degree feticide, vehicular negligent injuring, first degree vehicular negligent injuring and operating a vehicle while intoxicated.

<b>EXPENDITURES</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	SEE BELOW					
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	SEE BELOW					
<b>Annual Total</b>						
<b>REVENUES</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

Proposed law may increase state and local governing authority expenditures by removing the specific element, "the influence is caused by the operator knowingly consuming quantities of the drug or drugs which substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug" from the following crimes: vehicular homicide, third degree feticide, vehicular negligent injuring, first degree vehicular negligent injuring and operating a vehicle while intoxicated.

To the extent this opens more people to conviction, as they can now be charged for being under the influence of a drug whether they knowingly consume too much or not, proposed law may result in an indeterminable increase in SGF expenditures to the Department of Public Safety and Corrections - Correction Services (DPSC - CS).

SGF expenditures will increase by \$67.44 per offender per day if an offender is housed in a state facility or \$26.39 for a state offender housed in a local facility. Compared to an offender sentenced under present law to the custody of DPSC - CS for one year an offender sentenced under proposed law for one year would increase SGF expenditures by \$24,615.60 (\$67.44 per day x 365 days) if housed in a state facility and \$9,632.35 (\$26.39 per day x 365 days) if housed in a local facility. Approximately 50% of state offenders are housed in state facilities and approximately 50% are housed in local facilities.

Additionally, the Louisiana Public Defender Board reports that removing the essential element of knowingly consuming quantities in excess of recommended dosages from several offenses may result in a broader application of criminal charges for those offenses and result in a workload impact for Louisiana Public Defenders. The number of charges that may be filed under broader use is indeterminable, but any increase in defendants could lead to additional demand for public defense and result in an indeterminable impact on the workload requirements of public defenders statewide.

**REVENUE EXPLANATION**

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

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