



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 68** HLS 25RS 489
Bill Text Version: **ORIGINAL**
Opp. Chamb. Action:

Proposed Amd.:
Sub. Bill For.:

Date: April 17, 2025	4:27 PM	Author: WALTERS
Dept./Agy.: Attorney General, District Attorneys, Judiciary		
Subject: Motion to Reconsider Sentence		Analyst: Daniel Druilhet

CRIMINAL/SENTENCING OR SEE FISC NOTE GF EX Page 1 of 2
Provides relative to sentencing for certain defendants

Current law provides the parameters for a motion to reconsider a sentence. Proposed law provides that a defendant who meets specific criteria and has been sentenced to death or is serving a life sentence for a first conviction of a capital felony may file a motion to reconsider the sentence any time on or after the effective date of the proposed law; provides that in determining whether to order an evidentiary hearing, the court shall use the same standard for rules governing evidentiary hearings, and that the hearing shall not be ordered if the state and defendant agree on the factual basis for the motion; provides that a defendant shall be sentenced according to rules within the proposed law if the maximum term of imprisonment for the instant offense is either death or life imprisonment at hard labor without the benefit of parole, probation, or suspension of sentence, if the defendant has no prior criminal convictions or has displayed one or more symptoms of a non-severe mental or behavioral health challenge, or of extenuating gynecological conditions; provides criteria and sentencing ranges applicable to defendants for reconsideration of sentences; provides procedural rules regarding motions to reconsider sentences; provides that a defendant sentenced before the effective date of the proposed law may file a motion to reconsider sentence any time on or after the effective date of the proposed law and resented no later than 12/31/25.

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	\$0	\$0	\$0	\$0	\$0	\$0
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 increase of \$165,595 SGF in the Office of the Attorney General and an indeterminable increase in workload in the District Courts and local district attorneys.

Attorney General

Proposed law may result in an increase of \$165,595 SGF in the Office of the Attorney General, to the extent that the Attorney General increases resources available for life sentence and death penalty cases in its Criminal Appeals Section. The proposed law allows those convicted of crimes where the maximum sentence is either life imprisonment without the benefit of parole, probation, or suspension of sentence or death to file motions to reconsider sentencing at any time on or after its effective date. The proposed law may increase the number of instances in which the Attorney General will have to allocate resources to challenge these motions, and the Attorney General may have to secure an additional attorney to in FY 26 handle the projected increase in the volume of motions as follows:

Salaries	\$90,000
Related Benefits	\$56,580
Travel	\$ 1,500
Supplies	\$ 1,000
Operating Expenses	\$10,000
Acquisitions	\$ 6,515
	\$165,595


Note: The above figures are indicative of costs associated with securing additional personnel in the event that any additional workload necessitates additional staff within the Office of the Attorney General, as the law is prospective, and there is no way to determine whether its enactment will increase the number of motions for re-sentencing such that the volume of hearings related to those motions cannot be absorbed using existing resources.

[CONTINUED ON PAGE 2]

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



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CONTINUED EXPLANATION from page one: Page 2 of 2

[CONTINUED FROM PAGE ONE]

District Courts and District Attorneys
Proposed law will likely result in an indeterminable increase in workload in the district courts, to the extent that they experience an increase in filings for motions to reconsider sentencing. The proposed law has the effect of increasing the number of hearings in which motions to reconsider sentence are held, as it expands the option to submit filings for a motion to reconsider sentence to those serving a life sentence or a first conviction of a capital felony. Moreover, the proposed law also allows additional motions for sentencing specific to different classes of offenders (those with convictions of crimes where the maximum term of imprisonment is either death or life imprisonment at hard labor without the benefit of parole, probation, or suspension of sentence, those with no prior criminal convictions, those who display one or more symptoms of a non-severe mental or behavioral health challenge, or those with symptoms of extenuating gynecological conditions). The exact fiscal impact relative to the increase in workload is indeterminable, because it is unknown the number of instances in which motions for sentencing and re-sentencing would be filed (and the related hearings conducted) due to the changes imposed in proposed law.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>	
<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