LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 305** HLS 11RS 967
Bill Text Version: **ORIGINAL**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: April 29, 2011 12:10 PM
Author: LIGI
Dept./Agy.: Judiciary
Subject: Sentence Reductions
Analyst: Matthew LaBruyere

CRIMINAL/PROCEDURE OR SEE FISC NOTE GF EX

Provides for the reduction of a defendant's sentence for substantial assistance in an investigation

The proposed legislation allows the court to reduce a defendant's sentence, if after sentencing, the defendant provided substantial assistance in furtherance of the investigation or prosecution of another person. If a motion is made more than one year after sentencing, the court may reduce a sentence if the defendant's substantial assistance involved any of the following: 1) information not known to the defendant until one year or more after sentencing; 2) information provided by the defendant within one year of sentencing, but did not become useful until more than one year after sentencing; and 3) information, the usefulness of which could not be reasonable have been anticipated by the defendant until more than one year after sentencing, and which was promptly provided to the state after its usefulness was apparent to the defendant. The court may reduce a sentence to a time period which is less than the minimum sentence provided by law.

EXPENDITURES	**2011-12**	**2012-13**	**2013-14**	**2014-15**	**2015-16**	**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	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**

REVENUES	**2011-12**	**2012-13**	**2013-14**	**2014-15**	**2015-16**	**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

The proposed legislation may result in a decrease in state general fund expenditures. The exact fiscal impact of the passage of this legislation is indeterminable since it is not known how many offenders would provide substantial assistance in an investigation or prosecution of another person. However, any offender in the custody of the Department of Public Safety and Corrections that receives a reduced sentence by the court would decrease expenditures by $24.39 per day per offender in local facilities. To the extent the offender is housed in a state facility, the decrease in expenditures would be $55.78 per day per offender. Currently, the Department of Corrections houses 50% of state offenders at the local level and 50% at the state level.

It should be noted that if another person is convicted and sentenced into DOC custody because of information received from the offender, expenditures may increase for housing that offender.

REVENUE EXPLANATION

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

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 >= $500,000 Annual Fiscal Cost {S}
☐ 6.8(F)2 >= $100,000 Annual SGF Cost {H&S}
☐ 6.8(G) >= $500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

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