LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 401** HLS 11RS 474
Bill Text Version: **ORIGINAL**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: April 30, 2011 6:30 AM
Author: HUTTER
Dept./Agy.: Corrections
Subject: Domestic Abuse Battery
Analyst: Matthew LaBruyere

CRIME/ABUSE OR INCREASE LF EX See Note
Increases penalties for domestic abuse battery

Proposed legislation amends present law domestic abuse battery penalties. On first conviction, the minimum term of imprisonment increases from not less than 10 days to not less than 30 days with at least 48 hours of the sentence being served without benefit of parole, probation, or suspension of sentence. The remainder of the sentence shall not be suspended unless the offender participates in a court approved domestic abuse prevention program and either serves four days in jail or participates in eight, eight-hour days of community service. On conviction of a second offense, the minimum term of imprisonment increases from not less than 30 days to not less than 60 days with at least 96 hours of the sentence being served without benefit of parole, probation, or suspension of sentence. The remainder of the sentence shall not be suspended unless the offender participates in a court-approved domestic abuse prevention program and either serves 30 days in jail or participates in 30 eight-hour days of community service. Proposed legislation increases the minimum term of imprisonment to 45 days for a first conviction and 1 year for a second conviction, if the victim is pregnant.

EXPENDITURES	**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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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

There is no anticipated direct material effect on state governmental expenditures as a result of this measure. The proposed legislation is a misdemeanor; therefore, these offenders are not sentenced to the Department of Public Safety and Corrections. Local law enforcement agencies may realize an indeterminable increase in expenditures associated with prison costs. The cost increase will depend on the number of persons convicted, the minimum sentence an offender serves, and the cost per day for a local law enforcement agency to incarcerate an 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

Evan Brasseaux
Staff Director