LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 339** HLS 11RS 58
Bill Text Version: **ORIGINAL**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: May 7, 2011 7:29 AM
Author: LOPINTO
Dept./Agy.: Corrections
Subject: Controlled Dangerous Substances
Analyst: Matthew LaBruyere

DRUGS/CONTROLLED OR INCREASE GF EX See Note

Provides with respect to imitation controlled dangerous substances

Proposed legislation retains present law and adds possession with intent to distribute or dispense an imitation controlled dangerous substance to the current unlawful list that includes production, manufacturing, distribution, dispensing, transportation, or delivery. Proposed legislation repeals present law (R.S. 40:617.1) regarding distribution of imitation controlled dangerous substances to a person under eighteen.

EXPENDITURES	**2011-12**	**2012-13**	**2013-14**	**2014-15**	**2015-16**	**5 -YEAR TOTAL**
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**

EXPENDITURE EXPLANATION

The proposed legislation may result in an increase in state general fund expenditures if a defendant is convicted of possession with intent to distribute or dispense an imitation controlled dangerous substance. The exact fiscal impact of the passage of this legislation is indeterminable, since it adds possession with intent to distribute or dispense to the list of prohibited acts and it is not known how many people will be convicted of this crime. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by $24.39 per day per offender in local facilities. To the extent that offenders are sentenced and housed in state facilities, the cost per day per offender is $55.78. Currently, the Department of Corrections houses 50% of state offenders at the local level and 50% at the state level.

According to the Department of Corrections, there are currently 173 offenders in custody regarding imitation controlled dangerous substances serving an average sentence of 4.41 years. In 2010, there were 53 admissions with an average imposed sentence of 3.81 years and 68 releases with an average time served of 2.56 years. It should be noted that no offenders are in custody or were admitted or released in 2010 regarding R.S. 40:617.1 (Distribution of imitation controlled dangerous substances to a person under eighteen), which is being repealed in this bill.

For illustrative purposes, if a defendant is convicted of possession with intent to distribute an imitation controlled dangerous substance and housed at a local facility, the cost of incarceration would be $8,902 ($24.39 per day x 365 days) per year. To the extent the offender serves the average sentence of those currently in custody of 4.41 years, the cost of incarceration would be $$39,258 ($8,902 per year x 4.41 years).

REVENUE EXPLANATION

There is no anticipated direct material effect on state revenues as a result of this measure. However, any revenue generated through the imposition of fines as a result of conviction would accrue to local government entities.

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