

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 204** HLS 12RS 392
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

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Dept./Agy.: Corrections	Analyst: Matthew LaBruyere
Subject: Weapons	

WEAPONS/FIREARMS OR INCREASE GF EX See Note Page 1 of 1
 Creates the crime of reckless discharge of a firearm in a residential area

Proposed legislation provides that reckless discharge of a firearm on residential property is the reckless or criminally negligent discharge of a firearm on or within 1,000 feet of any residential property and law defines "firearm", "reckless or criminally negligent", and "residential".

Proposed legislation provides the following penalties for first offense as a fine of not more than \$500, imprisonment for not more than 6 months, or both; and for second or subsequent offense as a fine of not more than \$1,000, imprisonment with or without hard labor for not more than 1 year, or both.

EXPENDITURES	2012-13	2013-14	2014-15	2015-16	2016-17	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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						
REVENUES	2012-13	2013-14	2014-15	2015-16	2016-17	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					
Annual Total						

EXPENDITURE EXPLANATION

The proposed legislation may result in an indeterminable increase in state general fund expenditures if a defendant is convicted of a 2nd or subsequent reckless discharge of a firearm on residential property. The exact fiscal impact of the passage of this legislation is indeterminable, since the legislation creates a new crime and it is not known how many individuals 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 \$50.75. Currently, the Department of Corrections houses 50% of state offenders at the local level and 50% at the state level.

To the extent an offender serves 1 year for a second or subsequent conviction of the proposed crime, the cost in a local facility would be \$8,902 (1 offender x \$24.39 per day x 365 days) and the cost in a state facility would be \$18,524 (1 offender x \$50.75 per day x 365 days).

The proposed legislation regarding 1st conviction reckless discharge of a firearm on residential property 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 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 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.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>	<i>Evan Brasseaux</i>
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}		<input type="checkbox"/> 6.8(F)1 >= \$500,000 Annual Fiscal Cost {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}	Evan Brasseaux Staff Director