

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 18** HLS 12RS 222

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> March 29, 2012 10:00 AM	<b>Author:</b> MORRIS, JAY
<b>Dept./Agy.:</b> Corrections	<b>Analyst:</b> Matthew LaBruyere
<b>Subject:</b> Battery	

CRIME/BATTERY EG INCREASE GF EX See Note Page 1 of 1  
Increases penalties for certain crimes of battery when committed on U.S. servicemen and disabled veterans

Proposed legislation retains present law and adds a minimum mandatory sentence of one year to the crimes of aggravated battery, second degree battery, and aggravated second degree battery if an offender knew or should have known that the victim was an active member of the U.S. Armed Forces or a disabled veteran. Proposed legislation also defines "active member of the United States Armed Forces" and "disabled veteran."

<b>EXPENDITURES</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>						
<b>REVENUES</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

The proposed legislation may result in an indeterminable increase in state general fund expenditures if a defendant is convicted of aggravated battery, second degree battery, or aggravated second degree battery and the offender knew or should have known that the victim was an active member of the U.S. Armed Forces or a disabled veteran. The exact fiscal impact of the passage of this legislation is indeterminable, since it imposes a minimum mandatory sentence if the offender knew or should have known that the victim was an active member of the U.S. Armed Forces or a disabled veteran 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 a defendant is convicted and is sentenced to 1 year of incarceration, the cost to house the offender at a local facility would be \$8,902 (1 offender x \$24.39 per day x 365 days) and the cost to house the offender at a state facility would be \$18,524 (1 offender x \$50.75 per day x 365 days).

**REVENUE EXPLANATION**

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

<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}		<b>Evan Brasseaux</b>
<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}		<b>Staff Director</b>