

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 47** HLS 12RS 374
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 7, 2012	1:07 PM	Author: MACK
Dept./Agy.: Corrections		Analyst: Matthew LaBruyere
Subject: DWI Offenses		

DWI RE INCREASE GF EX See Note Page 1 of 1
 Provides for a minimum mandatory jail sentence for certain DWI offenses

Present law provides that on a conviction of a second offense DWI, the offender shall be fined \$750 to \$1,000, and shall be imprisoned for 30 days to six months with at least 48 hours of the sentence imposed to be served without benefit of parole, probation, or suspension of sentence.

Proposed legislation retains present law and provides that if the arrest for the second offense occurs within one year of the commission of the first offense, the offender shall be imprisoned for six months without benefit of parole, probation, or suspension of sentence and shall participate in a court approved substance abuse and a court approved driver improvement plan.

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	SEE BELOW					
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 second offense of driving while intoxicated (DWI) within 1 year of a first DWI commission. Under the proposed legislation, there would be a new cost to the state to house an offender convicted of this crime since present law states offenders would serve their sentence in a parish correctional facility and the cost would be paid by local governmental entities. The exact fiscal impact of the passage of this legislation is indeterminable, since the legislation increases the minimum mandatory which makes the crime a felony 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.

The proposed legislation states that an offender be imprisoned with or without hard labor for 6 months without the benefit of parole, probation, or suspension of sentence. To the extent an offender is housed at the local level for 6 months, the cost would be \$4,463 (1 offender x \$24.39 per day x 183 days) and the cost for an offender to be housed at a state facility for 6 months would be \$9,287 (1 offender x \$50.75 per day x 183 days).

In the event the offender is convicted of 2nd offense DWI within 1 year of the 1st DWI commission and is not sentenced to the custody of 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. However, any offender that would have served their sentence in a parish facility for 2nd conviction DWI and now serves their sentence in state custody may result in a savings to local governmental entities.

There would be a cost to local governmental entities associated with offenders participating in court approved substance abuse and driver improvement programs. However, the cost of the programs would be paid for by the offender.

REVENUE EXPLANATION

The proposed legislation would result in an indeterminable increase in local fund revenue. The local governmental entity that provides the substance abuse and driver improvement programs would receive payment from the offender for the entire cost of the programs attended. The exact cost of the programs is indeterminable since the costs of the programs vary.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>	
<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}	<i>Evan Brasseaux</i>
<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