LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 222** HLS 12RS 887
Bill Text Version: **REENGROSSED**
Opp. Chamb. Action:

Proposed Amd.:
Sub. Bill For.:

Date: May 14, 2012 7:31 AM
Author: BISHOP, WESLEY
Dept./Agy.: Corrections
Subject: Weapons
Analyst: Matthew LaBruyere

WEAPONS/FIREARMS RE INCREASE GF EX See Note

Provides with respect to prior offenses regarding the illegal carrying of weapons

Present law provides for the crime of illegal carrying of weapons and provides for enhanced penalties for multiple convictions. Proposed law retains present law and adds that a conviction pursuant to an ordinance of a local governmental subdivision of this state which contains any of the elements of present law shall constitute a prior conviction.

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	SEE BELOW	SEE BELOW	SEE BELOW	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 for a second or subsequent offense of illegal carrying of weapons if the defendant had a prior conviction for illegal carrying of weapons pursuant to the ordinance of a local governmental subdivision of this state. The exact fiscal impact of the passage of this legislation is indeterminable, since it is not known how many people have already been convicted of an ordinance in local governmental subdivisions of this state and 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 $50.75. 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 29 offenders in custody for illegal carrying of weapons serving an average sentence of 5.66 years. In 2011, there were 9 admissions with an average imposed sentence of 3.4 years and 20 releases with an average time served of 0.7 years.

For illustrative purposes, if a defendant, with a prior conviction of illegal carrying of weapons in another municipality, town, or similar political subdivision of this state, is convicted for a second offense in the state and serves the penalty of 5 years at hard labor, the cost of incarceration would be $92,619 (1 offender x 50.75 per day x 1,825 days).

It should be noted that if the offender is convicted of a second or subsequent offense for illegal carrying of weapons, but 5 years have elapsed since the expiration of the maximum sentence, then the offender would be charged the same penalty for a first conviction, which is a fine of not more than $500, or imprisoned for not more than 6 months, or both. To the extent 5 years have elapsed since the maximum sentence expired, local law enforcement agencies may realize an indeterminable increase in expenditures associated with prison costs. The cost increase will depend on the number of offenders 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.

Senate	Dual Referral Rules	House
☐ 13.5.1 >= $100,000 Annual Fiscal Cost {S&H}		☐ 6.8(F)1 >= $500,000 Annual Fiscal Cost {S}
☐ 13.5.2 >= $500,000 Annual Tax or Fee Change {S&H}		☐ 6.8(G) >= $500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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