

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



Fiscal Note On: **HB 220** HLS 12RS 861

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> May 22, 2012	3:19 PM	<b>Author:</b> BISHOP, WESLEY
<b>Dept./Agy.:</b> Corrections		<b>Analyst:</b> Matthew LaBruyere
<b>Subject:</b> Weapons		

WEAPONS/FIREARMS EN SEE FISC NOTE GF EX See Note Page 1 of 1  
Amends penalty provisions for reckless discharge of a firearm at a parade

Present law provides penalty provisions of imprisonment at hard labor for not less than five nor more than 10 years, with at least three years of the sentence imposed to be served without benefit of parole, probation, or suspension of sentence, and a fine of not more than \$5,000.

Proposed legislation increases the penalty from a maximum of 10 years to a maximum of 15 years and otherwise retains the provisions of present law.

<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.	SEE BELOW					
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 discharging a firearm at a parade or demonstration. The exact fiscal impact of the passage of this legislation is indeterminable, since the legislation increases the maximum sentence length and it is not known how many individuals will be convicted of this crime. It should be noted that any increase in state general fund expenditures would not be realized until FY 23 after an offender has served 10 years of a sentence (current law maximum), assuming sentence length remains constant. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by \$50.75 per day per offender in a state facility.

To the extent a defendant is convicted and is imprisoned at hard labor for 15 years, which is an increase of 5 years as a result of increasing the maximum sentence, the additional cost would be \$92,620 (1 offender x \$18,524 per year in a state facility x 5 years).

According to the Department of Corrections, there are currently no offenders sentenced for this crime.

**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>