LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 4** HLS 12RS 48
Bill Text Version: **ENROLLED**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: May 25, 2012 7:10 AM
Author: LOPINTO
Dept./Agy.: Corrections
Subject: Weapons/Firearms
Analyst: Matthew LaBruyere

WEAPONS/FIREARMS EN INCREASE GF EX See Note

Increases criminal penalties for possession of or dealing in firearms with obliterated serial numbers

Present law provides that no person shall intentionally receive, possess, carry, conceal, buy, sell, or transport any firearm from which the serial number or mark of identification has been obliterated. Present law also provides that whoever violates the penalties shall be fined not more than $1,000 and may be imprisoned for not more than 6 months.

Proposed legislation amends present law by increasing the terms of imprisonment to imprisonment, with or with out hard labor, for not less than 1 year nor more than 5 years for first conviction; and upon second or subsequent conviction, imprisonment with or without hard labor for not less than 2 years nor more than 10 years.

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	$0	$0	$0	$0	$0	**$0**
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	$0	$0	$0	$0	$0	**$0**
Annual Total	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**

EXPENDITURE EXPLANATION

The proposed legislation may result in an indeterminable increase in state general fund expenditures if a defendant is convicted of possessing or dealing any firearm from which the serial number or mark of identification has been obliterated. The exact fiscal impact of the passage of this legislation is indeterminable, since the present law is a misdemeanor 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 first 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). To the extent the offender served the maximum of 5 years, the cost in a local facility would be $44,510 (1 offender x $8,902 per year x 5 years) and the cost in a state facility would be $92,620 (1 offender x $18,524 per year x 5 years).

To the extent an offender serves 2 years for a second or subsequent conviction of the proposed crime, the cost in a local facility would be $17,805 ($24.39 per day x 730 days) and the cost in a state facility would be $37,048 ($50.75 per day x 730 days). To the extent the offender served the maximum of 10 years, the cost in a local facility would be $89,020 (1 offender x $8,902 per year x 10 years) and the cost in a state facility would be $185,240 (1 offender x $18,524 per year x 10 years).

REVENUE EXPLANATION

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

Senate — Dual Referral Rules — House

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

Evan Brasseaux

Evan Brasseaux
Staff Director