

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



Fiscal Note On: **HB 271** HLS 15RS 785  
 Bill Text Version: **REENGROSSED**  
 Opp. Chamb. Action: **w/ SEN COMM AMD**  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> June 2, 2015 12:19 PM	<b>Author:</b> BILLIOT
<b>Dept./Agy.:</b> Corrections	<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Probation Extension for Defendants in Drug/Sobriety Courts	

PROBATION RE1 DECREASE GF RV See Note Page 1 of 1  
 Extends the length of probation for defendants participating in drug court or sobriety court

Proposed law amends present law to extend the substance abuse probation program from Aug. 1, 2016, to Aug. 1, 2020. This is a program that was authorized per Act 389 of the 2013 Regular Session in the Department of Public Safety and Corrections (DPS&C). The program was established to provide for the suspension of certain criminal sentences and court-ordered participation in substance abuse counseling and treatment for defendants sentenced to substance abuse probation.

Proposed law increases the maximum timeframe of the probation period for an individual participating in a drug division probation program or a driving while intoxicated or sobriety court program for a felony offense from 5 yrs to 8 yrs.

Proposed law increases the maximum timeframe of the probation period for an individual participating in a drug division probation program or a driving while intoxicated or sobriety court program for a misdemeanor offense from 4 yrs to 8 yrs.

EXPENDITURES	2015-16	2016-17	2017-18	2018-19	2019-20	5 -YEAR TOTAL
State Gen. Fd.	\$0	DECREASE	DECREASE	DECREASE	DECREASE	<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>	INCREASE	INCREASE	INCREASE	INCREASE	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>					<b>\$0</b>

REVENUES	2015-16	2016-17	2017-18	2018-19	2019-20	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	INCREASE	INCREASE	INCREASE	INCREASE	<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>\$0</b>
<b>Annual Total</b>	<b>\$0</b>					<b>\$0</b>

**EXPENDITURE EXPLANATION**

The proposed legislation will result in a net decrease in state expenditures for the following reason:

Extension of the substance abuse probation program from Aug. 1, 2016, to Aug. 1, 2020: State General Fund (SGF) expenditures will decrease to the extent offenders are not sentenced to the custody of the DPS&C. While the Department of Public Safety and Corrections (DPS&C) houses offenders in state and local facilities, the decrease in expenditures represented savings based on local housing of state offenders. DPS&C reports that any cost savings will impact the local level as a result of maintaining full capacity in state facilities.

Since the inception of the program, DPS&C reports low participation. As an example, 37 defendants were referred to the program and of that number 11 were admitted. Therefore, the annual savings is \$97,922 (\$8,902 annual cost to house state offenders in local facilities x 11). To the extent the number of participants increases, savings will be greater.

The proposed legislation may result in an indeterminable increase in state expenditures for the following reason:

Increasing the maximum timeframe of the probation period for an individual participating in a drug division probation program or a driving while intoxicated or sobriety court program for a felony offense from 5 yrs to 8 yrs may increase the current caseload of probation and parole agents requiring additional probation and parole agents. While the daily cost for each participant on probation is \$2.56, the annual cost is \$934 (\$2.56 x 365 days). For the current program participants (11), the annual combined cost is \$10,274 (\$934 x 11). However, the DPS&C has not reported an increase in staffing needs at this time.

The proposed legislation may result in an indeterminable increase in local expenditures for the following reason:

Increasing the maximum timeframe of the probation period for an individual participating in a drug division probation program or a driving while intoxicated or sobriety court program for a misdemeanor offense from 4 yrs to 8 yrs may increase expenditures at the local level and is the responsibility of the local governing authority.

**REVENUE EXPLANATION**

The proposed legislation may result in an indeterminable increase in Fees & Self-generated Revenues for the DPS&C, Division of Probation and Parole due to the increase of the maximum probation period for an individual participating in a drug division probation program or a driving while intoxicated or sobriety court program for a felony offense from 5 yrs to 8 yrs. The annual probation and parole fee is \$720 (\$60 per month x 12 months) for each individual who is on probation or parole.

Senate	<u>Dual Referral Rules</u>	House	<input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}	<i>Evan Brasseaux</i> <b>Evan Brasseaux</b> <b>Staff Director</b>
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}		<input type="checkbox"/> 6.8(F)(2) >= \$500,000 Rev. Red. to State {H & S}		
<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}		