



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 544** HLS 16RS 1157
Bill Text Version: **ORIGINAL**
Opp. Chamb. Action:

Proposed Amd.:
Sub. Bill For.:

Date: March 28, 2016 10:20 AM	Author: HOFFMANN
Dept./Agy.: Correction	
Subject: Child Support Payment Penalties	Analyst: Monique Appeaning

CRIMINAL/SENTENCING OR INCREASE GF EX See Note Page 1 of 2

Increases penalties for failure to pay child support

Present law, regarding the crime of failure to pay child support, provides for a fine of not more than \$2,500 or imprisonment with or without hard labor for not more than two years, or both, for a second or subsequent offense. Proposed law retains the present law fine and increases the present law penalty to include imprisonment of not less than one year nor more than five years. Present law provides that when the amount of child support arrearage is more than \$15,000 and the obligation has been outstanding for more than one year, the penalty shall be a fine of not more than \$2,500 or imprisonment with or without hard labor for not more than two years, or both. Proposed law retains the present law fine and increases the present law penalty to include imprisonment of not less than one year nor more than five years.

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	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	2016-17	2017-18	2018-19	2019-20	2020-21	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

This legislation will result in an indeterminable increase in SGF expenditures as a result of changes to the sentencing guidelines for the crime of failure to pay child support and when the amount of child support arrearage is more than \$15,000 and the obligation has been outstanding for more than one year.

Second or Subsequent Offense - Crime Of Failure To Pay Child Support

Current law imposes a maximum imprisonment term of 2 years, with or without hard labor. The proposed law provides for a minimum imprisonment term of one year and a maximum of 5 years, with or without hard labor.

Currently, there are seven (7) offenders incarcerated for the 2nd offense crime of failure to pay child support. In 2015 there were 4 admissions and 3 releases with an average time served of 6 months. If the proposed legislation is passed, these offenders would be incarcerated at least one year as opposed to 6 months, resulting in a SGF expenditure increase of approximately \$17,756 to \$37,623 depending on housing assignment. Assuming admissions remain the same, and the state offenders were housed at the local level, it would increase expenditures by \$17,756 (\$35,609 annual cost at \$24.39 per day for 4 state offenders less the \$17,853 6-month cost). Assuming admissions remain the same, and the state offenders were housed at the state level, it would increase expenditures by \$37,623 (\$75,453 annual cost at \$51.68 per day for 4 state offenders less the \$37,830 6-month cost).

When The Amount Of Child Support Arrearage Is More Than \$15,000 And The Obligation Has Been Outstanding For More Than One Year

Current law imposes a maximum imprisonment term of 2 years, with or without hard labor. The proposed law provides for a minimum imprisonment term of one year and a maximum of 5 years, with or without hard labor.

Currently, there are no offenders incarcerated for the crime of failure to pay child support in arrearage of \$15,000 that has been outstanding for more than one year. In 2015 there was 1 admission and 1 release with an average time served of 6 months. If the proposed legislation is passed, these offenders would be incarcerated at least one year as opposed to

Continued Expenditure Explanation on Page Two

REVENUE EXPLANATION

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

Senate Dual Referral Rules House

- ☐ 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}
- ☐ 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & 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}

Evan Brasseaux
Evan Brasseaux
Staff Director



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 544** HLS 16RS 1157
Bill Text Version: **ORIGINAL**
Opp. Chamb. Action:

Proposed Amd.:
Sub. Bill For.:

Date: March 28, 2016 10:20 AM	Author: HOFFMANN
Dept./Agy.: Correction	
Subject: Child Support Payment Penalties	Analyst: Monique Appeaning

Continued Expenditure Explanation from Page One

6 months, resulting in a SGF expenditure increase of approximately \$4,463 to \$9,406 depending on housing assignment. Assuming admissions remain at the 2015 level, state offenders housed at the local level would increase the expenditures by \$4,439 (\$8,902 annual cost at \$24.39 per day for one offender less the \$4,463 6-month costs). However, the cost for a state offender housed in a state facility would increase expenditures by \$9,406 (\$18,863 annual cost at \$51.68 per day for 1 state offender less the \$9,457 6-month cost).

Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.