|                  |                   | LEGISLATIVE FISCAL OFFICE<br>Fiscal Note |                     |                            |       |     |      |     |  |  |  |
|------------------|-------------------|--|---------------------|----------------------------|-------|-----|------|-----|--|--|--|
| Eoungaria        |                   |  | Fiscal Note On:     | HB                         | 582   | HLS | 16RS | 261 |  |  |  |
| - :: Legiälativi |                   | Bill Text Version: ENGROSSED             |                     |                            |       |     |      |     |  |  |  |
| FiscalsUffic     | c                 |  | Opp. Chamb. Action: |                            |       |     |      |     |  |  |  |
|                  |                   |  | Proposed Amd.:      |                            |       |     |      |     |  |  |  |
| Pascal Note      |                   |  | Sub. Bill For.:     |                            |       |     |      |     |  |  |  |
| Date:            | April 4, 2016     | 7:16 AM                                  | Aut                 | thor: JA                   | ACKSC | N   |      |     |  |  |  |
| Dept./Agy.:      | Corrections       |  |                     |                            |       |     |      |     |  |  |  |
| Subject:         | Aggravated Assaul | t Upon A Peace Officer                   | Ana                 | Analyst: Monique Appeaning |       |     |      |     |  |  |  |

CRIME/ASSAULT

EG INCREASE GF EX See Note

Page 1 of 1

Provides for the crime of aggravated assault upon a peace officer

Present law provides for the crime of aggravated assault upon a peace officer with a firearm. Proposed law removes element of the offense specifying that the aggravated assault must be created with a firearm. Makes changes in other provisions of present law to provide for consistency. (Amends R.S. 14:2(B)(32) and 37.2 and R.S. 15:642(2)(b))

| 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    | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u>    |
| 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    | SEE BELOW  |               |
| Annual Total   |            |            |            |            |            |               |

## **EXPENDITURE EXPLANATION**

This legislation will result in an indeterminable increase in SGF expenditures as a result of changes to the sentencing guideline of the crime "aggravated assault upon a peace officer". The maximum imprisonment term is ten (10) years, with or without hard labor, or both. Proposed law removes "with a firearm" from present law.

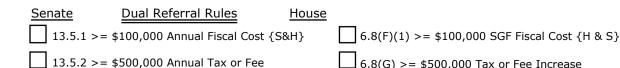
SGF expenditures will increase by \$51.68 per offender per day if offenders are housed in state facilities and by \$24.39 for state offenders housed in local facilities. Offenders sentenced to the custody of the Department of Public Safety and Corrections for one year would increase SGF expenditures by \$18,863 (\$51.68 per day x 365 days) if housed in a state facility and \$8,902 (\$24.39 per day x 365 days) if housed in local facilities. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

To the extent an offender serves the maximum of ten (10) years, the cost in a state facility would be \$188,630 (1 offender x \$18,863 per year x 10 years) or \$89,020 (1 offender x \$8,902 per year x 10 years) if a state offender is housed in a local facility.

Note: Under present law, the number of state offenders housed for this offense is 55, with an average imposed sentence of 12.5 years and an average time served of 4.03 years.

## **REVENUE EXPLANATION**

The proposed legislation may result in an indeterminable increase in local funds revenue as a result of sentencing guideline changes that removes "with a firearm" from present law. The maximum fine imposed is \$5,000.



Change {S&H}

Evan Brasseaux

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

**Evan Brasseaux** Staff Director