

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT**

LS 7424

BILL NUMBER: HB 1188

NOTE PREPARED: Jan 8, 2025

BILL AMENDED:

SUBJECT: Resisting Law Enforcement.

FIRST AUTHOR: Rep. Shonkwiler

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill increases certain penalties for resisting law enforcement.

Effective Date: July 1, 2025.

Explanation of State Expenditures: *Summary* - This bill changes the felony level for resisting law enforcement from a Level 6 felony, into a Level 5 felony. It also changes Level 5 felonies for repeat offenses, or causing bodily harm with a vehicle while resisting police to a Level 4 felony. State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time. The estimated cost is approximately \$4.6 M from increased time spent within DOC beginning in FY 2027.

Additional Information - A Level 6 felony is punishable by a prison term ranging between 6 to 30 months, with an advisory sentence of 1 year, depending upon mitigating and aggravating circumstances. A Level 5 felony is punishable by a prison term ranging from 1 to 6 years, with an advisory sentence of 3 years. A Level 4 felony is punishable by a prison term ranging from 2 to 12 years, with an advisory sentence of 6 years. If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$4,719 annually, or \$12.93, per prisoner.

According to the Abstracts of Judgment, between FY 2023 and FY 2024, 3,069 individuals were convicted of resisting arrest as a Level 6 felony with 13% committed to the DOC with an average commitment time of 1.4 years. 342 individuals were convicted of resisting arrest as a Level 5 felony, with 33% committed to the DOC post-trial with an average commitment time of 2.4 years.

Assuming similar numbers of persons between FY 2023-2024 and DOC commitment rates, increasing the felony level for resisting police from Level 6 to Level 5 will increase state expenditures by \$2.0 M due to longer time spent in DOC. Increasing the felony level for Level 5 resisting police convictions to Level 4 will increase state expenditures by \$2.3 M. In total, the state would spend approximately \$4.6 M more in expenditures due to lengthened DOC from resisting police convictions.

Explanation of State Revenues: No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Level 6 or Level 5 felonies. The court fees are also the same between Level 5 and Level 4 felonies.

Explanation of Local Expenditures:

Explanation of Local Revenues: No additional revenues would be expected since the court fees for Level 6 and Level 5 felonies are the same. The court fees are also the same between Level 5 and Level 4 felonies.

State Agencies Affected: Department of Correction

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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