

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 464** HLS 23RS 345

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 19, 2023	9:38 AM	Author: FONTENOT
Dept./Agy.: Corrections		Analyst: Daniel Druilhet
Subject: Possession of a Firearm by a Felon		

WEAPONS/FIREARMS EG INCREASE GF EX See Note
Provides relative to possession of a firearm by a felon

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Current law provides the penalty of a sentence of imprisonment at hard labor for not less than five nor more than 20 years without the benefit of probation, parole, or suspension of sentence (PPS) and a fine of not less than \$1,000 nor more than \$5,000 for a person convicted of the crime of possession of a firearm or carrying of a concealed weapon by a person convicted of certain felonies.

Proposed law amends current law to provide a minimum sentence of imprisonment at hard labor for not less than ten years for a person convicted of the crime of possession of a firearm or carrying of a concealed weapon by a felon. Proposed law amends current law to impose a sentence of imprisonment (for not less than 10 nor more than 20 years without the benefit of PPS) to be served consecutively with the remaining balance of any prior sentence for a person who, while on probation or parole for a prior offense, is convicted of the crime of possession of a firearm or carrying of a concealed weapon by a felon.

EXPENDITURES	2023-24	2024-25	2025-26	2026-27	2027-28	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	2023-24	2024-25	2025-26	2026-27	2027-28	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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will likely result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPSC – CS) to the extent a person is convicted and sentenced to imprisonment for committing the crime of being in possession of a firearm or carrying a concealed weapon as a person convicted of certain felonies. Proposed law has the effect of increasing the minimum number of years of imprisonment from five years to ten years without probation, parole, or suspension of sentence, which will extend the minimum stays of incarceration for those convicted and double SGF expenditures associated with minimum stays of incarceration. The exact fiscal impact of the passage of this legislation is indeterminable, since it is not known how many people will be convicted or the length of sentences imposed on those who are convicted as a result of this change to present law.

SGF expenditures will increase by \$101.76 per offender per day to the extent that an offender is convicted and then housed in a state facility or \$26.39 per offender per day for an offender housed in a local facility. An offender sentenced to the custody of the DPSC – CS for one year would increase expenditures by \$37,142.40 (\$101.76 per day x 365 days) if housed in a state facility and \$9,632.35 (\$26.39 per day x 365 days) if housed in a local facility.

REVENUE EXPLANATION

Proposed law will likely result in an indeterminable increase in local revenues as a result of variable fines for offenders who are convicted of possession of a firearm or carrying a concealed weapon as a person convicted of certain felonies. While the proposed law retains mandatory fines of no less than \$1,000 nor less than \$5,000 for each conviction, the exact fiscal impact of the passage of this legislation on local revenue is indeterminable because fines imposed can vary in each instance of conviction. The potential revenue will accrue to the local governing authority.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

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