

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 720** HLS 24RS 1021

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 10, 2024	11:44 AM	Author: SCHLEGEL
Dept./Agy.: Corrections		Analyst: Daniel Druilhet
Subject: Penalties - Fentanyl Distribution		

CONTROLLED SUBSTANCES RE SEE FISC NOTE GF EX See Note
Provides relative to distribution of fentanyl under certain circumstances

Current law makes it unlawful for any person to knowingly or intentionally distribute, dispense, produce, or manufacture a controlled dangerous substance or create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance; makes it unlawful for a person to knowingly distribute, dispense, produce or manufacture a controlled dangerous substance in a manner where there is reasonable appeal to a minor due to the shape, color, taste, or design of the fentanyl or the fentanyl's packaging; delineates a list of sentences imposed on those convicted of current law. Proposed law clarifies the application of current law to fentanyl and packaging of fentanyl that reasonably appeals to a minor; adds a sentence of imprisonment for no less than 10 nor more than 40 years at hard labor, without the benefit of probation, parole, or suspension of sentence, for offenders convicted of knowingly or intentionally distributing, dispensing, producing, or manufacturing or creating, distributing, or possessing with intent to distribute, a counterfeit controlled dangerous substance involving fentanyl or fentanyl packaging that is designed to resemble branded or generic prescription medication.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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	2024-25	2025-26	2026-27	2027-28	2028-29	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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPS&C – CS) if a person is convicted of knowingly or intentionally distributing, dispensing, producing or manufacturing, or creating, distributing, or possessing with intent to distribute a counterfeit controlled dangerous substance involving fentanyl or fentanyl packaging that is designed to resemble branded or generic prescription medication. Proposed law has the effect of adding a sentence of imprisonment for no less than 10 nor more than 40 years at hard labor, without the benefit of probation, parole, or suspension of sentence, for offenders convicted of its violation. The exact fiscal impact of the passage of this legislation is indeterminable, as it creates a crime, and it is not known how many people will be convicted and subject to a sentence of imprisonment as a result of its potential enactment.

For those convicted, sentenced, and then subsequently housed in a state facility, DPS&C-CS will sustain expenditures of \$107.60 per offender per day, or \$26.39 per offender per day for those housed in local facilities. DPS&C-CS advises that impacts on offender populations are anticipated to impact the number of offenders held in local facilities, and that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities. For those convicted, sentenced, and then subsequently housed in a local facility, DPS&C-CS will sustain expenditures of \$26.39 per offender per day.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of convictions of knowingly or intentionally distributing, dispensing, producing or manufacturing, or creating, distributing, or possessing with intent to distribute a counterfeit controlled dangerous substance involving fentanyl or fentanyl packaging that is designed to resemble branded or generic prescription medication. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable, as the fines that would be imposed on those convicted are variable in nature, and the number of fines that will be imposed on offenders convicted of proposed law is unknown. 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}

Patrice Thomas
Deputy Fiscal Officer