

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 9** SLS 15RS 75
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 20, 2015	4:24 PM	Author: LONG
Dept./Agy.: Corrections		Analyst: Zachary Rau
Subject: Provides Relative to Aggravated Kidnapping		

CRIME/PUNISHMENT OR DECREASE GF EX See Note Page 1 of 1
 Provides relative to the crime of aggravated kidnapping. (8/1/15)

Present law states that offenders convicted of the crime of aggravated kidnapping will be imprisoned without benefit of parole, probation, or suspension of sentence. Proposed law allows offenders convicted of aggravated kidnapping to file for a reduced sentence and new offenders who are convicted of aggravated kidnapping to receive a reduced sentence of at least 10 years and up to 40 years at hard labor if the victim is released free from physical injury or sexual abuse. Proposed law allows offenders currently in state custody for the crime of aggravated kidnapping to file a motion for the reduced sentence retroactively.

EXPENDITURES	2015-16	2016-17	2017-18	2018-19	2019-20	5 -YEAR TOTAL
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
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	2015-16	2016-17	2017-18	2018-19	2019-20	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed legislation may result in an indeterminable, but likely marginal reduction of state general fund expenditures. This bill retains present law, but reduces penalties for state offenders convicted of the felony of aggravated kidnapping if the offender released and did not physically injure or sexually abuse the victim.

SGF expenditures may decrease by \$24.39 per offender per day as result of the proposed legislation, an annual savings of \$8,902 (\$24.39 x 365 days) per offender. The savings are derived from DPS&C's practice of moving state offenders housed in local facilities to state facilities if a bed opens in order to utilize all of the space in state facilities. Therefore, to the extent offenders convicted of aggravated kidnapping meet the criteria for a reduced sentence and are released from state facilities, state offenders housed in local facilities will be moved to state facilities, leading to a reduction of per diem expenditures of \$24.39 for state offenders housed in local facilities. Currently 138 offenders housed in state facilities have been convicted of aggravated kidnapping.

Present law provides for offenders convicted of aggravated kidnapping to be sentenced to life imprisonment in a state facility without the benefit of parole, probation, or suspension of sentence. If an offender convicted of aggravated kidnapping meets the criteria set forth in the proposed legislation, their sentence may be reduced to serving not less than 10 years but not more than 40 years in a state facility with at least five years of the sentence to be served without the benefit of parole, probation, or suspension of sentence. Offenders who meet the criteria set forth in the proposed legislation may file a motion before 8/1/2016 to have their sentence reduced retroactively.

Assuming 5% of the 138 offenders (7 offenders) are released early as a result of this bill's passage, state general fund expenditures would decrease \$8,902 per offender annually. Annualized over five years (\$8,902 per offender x 7 offenders x 5 years), state general fund expenditures would decrease by approximately \$312,000.

REVENUE EXPLANATION

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

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|---|----------------------------|--------------|--|
| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | | | <input type="checkbox"/> 6.8(F)(2) >= \$500,000 Rev. Red. to State {H & S} |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | | | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

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