



**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**

Fiscal Note On: **SB 107** SLS 23RS 253  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> May 8, 2023	2:18 PM	<b>Author:</b> SMITH, G.
<b>Dept./Agy.:</b> Corrections		
<b>Subject:</b> Definitions of First and Second Degree Murder		<b>Analyst:</b> Daniel Druilhet

CRIME/PUNISHMENT OR DECREASE GF EX See Note Page 1 of 2  
 Provides relative to definitions of first and second degree murder and penalties. (gov sig)

Current law provides for definitions of first degree murder and second degree murder. Current law imposes a punishment for violations of current law second degree murder as life imprisonment at hard labor without the benefit of parole, probation, or suspension of sentence.

Proposed law amends current law to re-designate certain definitions of first degree murder (La. R.S. 14:30(A) - 1, 3, 4, 6, 7, 8, 9, 10) as second degree murder. Proposed law requires that offenses re-designated as second degree murder be punishable by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. Proposed law provides that offenders of the current law definitions of second degree murder (La. R.S. 14:30.1 (A) - 1, 2, 3, 4) be subject to punishment of imprisonment at hard labor, with the first 40 years of the sentence served without benefit of parole, probation, or suspension of sentence.

<b>EXPENDITURES</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>						
<b>REVENUES</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

Proposed law will likely result in an indeterminable net decrease in SGF expenditures. Decreases in SGF expenditures to the Department of Public Safety & Corrections - Corrections Services (DPS&C-CS) and Louisiana Public Defender Board (LPDB) are estimated to exceed the increase in SGF expenditures to District Attorneys.

**Department of Public Safety & Corrections - Corrections Services (DPS&C - CS)**

Proposed law will likely result in an indeterminable decrease in SGF expenditures for the Department of Public Safety & Corrections - Corrections Services (DPS & C - CS) to the extent that re-designating certain crimes now listed as first degree murder to second degree murder results in a reduction of capital verdicts. Current law allows district attorneys to seek capital verdicts for crimes designated as first degree murder in La. R.S. 14:30(A) - 1, 3, 4, 6, 7, 8, 9, 10. There will also be an indeterminable decrease in expenditures for DPS & C - CS due to a reduction in litigation associated with death penalty cases. DPS&C - CS has incurred costs of approximately \$423,387 for defending lawsuits over the past 8 years related to the death penalty and the conditions of imprisonment for death row inmates. Though there have only been two executions since May 2002 (both for first degree murder), to the extent that there is a reduction in capital verdicts, there will be a reduction in expenditures of approximately \$17,763 per execution.

**Louisiana Public Defender Board**

Proposed law will likely result in an indeterminable decrease in SGF expenditures for the Louisiana Public Defender Board (LPDB) to the extent that a number of crimes listed as first degree murder are re-designated as second degree murder, and the resulting number of persons provided capital indigent defense by the LPDB is reduced. According to the LPDB, proposed law would shift crimes that often result in a death sentence to second degree murder offenses, which would reduce the expenses associated with capital punishment prosecution. In FY 23, LPDB provided \$4.5 M to trial level programs to handle

Continued on Page 2

**REVENUE EXPLANATION**

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

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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 Interim Deputy Fiscal Officer



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CONTINUED EXPLANATION from page one:

[CONTINUED FROM PAGE ONE - EXPENDITURES]

capital eligible cases. LPDB reports that by enacting proposed law, the agency can cancel at least one of the capital trial level programs in FY 24, which will result in a savings of \$1.28 M. LPDB advises that by FY 25 it will be able to cancel a second trial level program and reduce trial level expert witness funds by 75%.

LPDB reports also that enactment of proposed law will likely allow the agency to cancel all contracts related to Miller v. Alabama and Montgomery v. Louisiana representation in FY 25, which would result in a savings of \$1.1 M. Miller v. Alabama held that mandatory life sentences without the possibility of parole for juvenile offenders are unconstitutional, while Montgomery v. Louisiana held that Miller applies retroactively to juvenile life without parole sentences previously imposed. Current law allows prosecutors to seek the sentence of life without the possibility of parole, probation, or suspension of sentence for first degree murder offenses, because no provision is included within the Louisiana Revised Statutes which prohibits prosecutors from seeking life without the possibility of parole, probation, or suspension of sentence penalties for juvenile offenders. Proposed law's re-designation of certain first degree murder crimes as second degree murder will result in juveniles who would potentially be sentenced to life without the possibility of parole (as a matter of state law) for conviction of first degree murder now becoming parole eligible, which will reduce the cost to LPDB to provide juvenile representation for cases where the sentence imposed is life imprisonment without the possibility of parole, probation, or suspension of sentence.

Louisiana District Attorneys Association

Proposed law will likely result in an indeterminable increase in SGF expenditures for Louisiana District Attorneys to the extent that the crimes listed as first degree murder being re-designated as second degree murder result in a higher number of cases proceeding to trial. Proposed law also will likely result in a substantial number of issues of first impression being subject to appellate review, increasing the workload for District Attorney offices. According to the Louisiana District Attorneys Association (LDAA), between 2019 and 2022, there were 148 first degree murder arrests and 478 second degree murder arrests (persons booked and printed on an Automated Fingerprint Identification System machine for those offenses). The exact fiscal impact of proposed law is indeterminable, because there is no way to determine the number of persons who will be prosecuted pursuant to newly designated second degree murder offenses or the number of trials that will be held related to these offenses.

Note: The LDAA states that it does not have information regarding average costs expended to prosecute second degree murder trials due to the number of variables it would have to consider, but that any shift from those offenses in proposed law listed as first degree murder to second degree murder would increase the number of cases proceeding to trial and increase associated costs to prosecute them. The Legislative Fiscal Office cannot corroborate the fiscal impact to costs expended for re-designated second degree murder offenses without having historical information relative to costs expended for second degree murder trials, costs expended for first degree murder trials, or data indicating a differential in costs expended on trials between the two.

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}
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