

LEGISLATIVE FISCAL OFFICE

Fiscal Note



Fiscal Note On: **SB 152** SLS 09RS 354

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: June 18, 2009	10:14 AM	Author: CROWE
Dept./Agy.: Justice		Analyst: Evelyn McWilliams
Subject: Consumer Protection -Selling Sexual Materials to Minors		

CONSUMERS/PROTECTION

RE SEE FISC NOTE GF EX

Page 1 of 1

Creates an unfair or deceptive trade practice for a retailer to sell or distribute material containing sexually explicit conduct to a minor. (1/1/10)

Proposed legislation makes it an unfair and deceptive trade practice for retailers to engage in a pattern of activity where the retailer, on at least five separate occasions, sells or distributes goods, materials or services to anyone under the age of 18 that depicts sexually explicit conduct. Defines sexually explicit conduct and excludes from the definition content distributed by interactive computer services and on a cable system. Requires the Attorney General to notify retailers in writing by certified mail that a complaint has been received. The written notice shall also advise the retailer that five such complaints may subject the retailer to a formal investigation to determine if an unfair or deceptive trade practice has occurred. Effective January 1, 2010.

EXPENDITURES	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>	<u>5 -YEAR TOTAL</u>
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	<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

REVENUES	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>	<u>5 -YEAR TOTAL</u>
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 Attorney General's Office has indicated that it will need \$1.6m and 16 positions to implement the proposed legislation. The agency states that 9 investigators, one in each metropolitan area, will be required. One investigator will be assigned to each of the following metropolitan areas: Shreveport, Monroe, Alexandria, Lake Charles, Lafayette, Baton Rouge, Houma/Thibodaux, New Orleans and the North Shore. Other required personnel include 3 attorneys, 3 clericals, and 1 budget analyst. FY10 expenditures include \$751,000 for salaries, \$252,121 for related benefits, \$98,400 for travel, \$62,840 for operating expenses, \$50,000 for office and auto supplies, and \$396,986 for acquisition of office furniture, computer equipment, and automobiles. The Attorney General's Office is not able to provide an estimate of the number of complaints that may be received or investigated.

The Legislative Fiscal Office has not had sufficient time to fully evaluate the attorney general's expenditure requirements. To the extent that complaints are not numerous, or are less than anticipated, expenditures may be reduced.

REVENUE EXPLANATION

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

Senate

Dual Referral Rules

House

- 13.5.1 >= \$500,000 Annual Fiscal Cost
- 13.5.2 >= \$500,000 Annual Tax or Fee Change

- 6.8(F) >= \$500,000 Annual Fiscal Cost
- 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease

Robert E. Hosse
LFO Staff Director