

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 385** HLS 16RS 264
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 18, 2016 8:22 AM	Author: HAZEL
Dept./Agy.: Corrections	Analyst: Monique Appeaning
Subject: Crime For Certain Bail Requirements	

CRIME EG INCREASE GF EX See Note Page 1 of 1

Creates the crime of providing false, nonexistent, or incomplete declaration of residence for bail

Proposed law provides that it shall be unlawful for any person to give or place on any bail bond or declaration of residence false, nonexistent, or incomplete information for purposes of service or notice as required by Code of Criminal Procedure Article 322. Proposed law provides criminal penalties for misdemeanor convictions to include imprisonment terms up to a maximum of six months, or a maximum fine of \$500, or both. For felonies, the criminal penalties include a maximum imprisonment term of two years at hard labor.

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						
REVENUES	2016-17	2017-18	2018-19	2019-20	2020-21	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 if a defendant is convicted of the crime of providing false, nonexistent, or incomplete declaration of residence for bail when the bail is to assure the presence of the defendant for those cases defined as felonies in Title 14 (Criminal Law) and in the Uniform Controlled Dangerous Substances Law. The maximum imprisonment term imposed is two years at hard labor.

SGF expenditures will increase by \$51.68 per offender per day if offenders are housed in state facilities and \$24.39 for state offenders housed in local facilities. Offenders sentenced to the custody of the Department of Public Safety and Corrections - Correction Services for one year would increase SGF expenditures by \$18,863 (\$51.68 per day x 365 days) if housed in a state facility and \$8,902 (\$24.39 per day x 365 days) if housed in a local facility. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

To the extent an offender serves the maximum of two (2) years, the cost in a state facility would be \$37,726 (1 offender x \$18,863 per year x 2 years) or \$17,804 (1 offender x \$8,902 per year x 2 years) if a state offender is housed in a local facility.

There may be an indeterminable increase in expenditures for local governing authorities if a defendant is convicted of the crime of providing false, nonexistent, or incomplete declaration of residence for bail when the bail is to assure the presence of the defendant for those cases defined as misdemeanors in Title 14 (Criminal Law) and in the Uniform Controlled Dangerous Substances Law. The maximum imprisonment term imposed is six months, or a maximum fine of \$500, or both.

REVENUE EXPLANATION

The proposed law may result in an indeterminable increase in local funds revenue as a result of potential fines imposed for providing false, nonexistent, or incomplete declaration of residence for bail when the bail is to assure the presence of the defendant for those cases defined as misdemeanors in R.S.14 and in the Uniform Controlled Dangerous Substances Law. The maximum fine is \$500. The potential revenue will accrue to the local governing authority.

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| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {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} | |

Evan Brasseaux
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