

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 173** HLS 24RS 561

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: March 27, 2024	8:27 AM	Author: FONTENOT
Dept./Agy.: Sheriffs		Analyst: Daniel Druilhet
Subject: Approaching an LEO Engaged in Law Enforcement Duties		

CRIME/MISDEMEANOR

EG SEE FISC NOTE LF EX See Note

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Creates the crime of approaching a law enforcement officer lawfully engaged in law enforcement duties

Proposed law adds the crime of approaching a law enforcement officer and prohibits any person from knowingly or intentionally approaching (within twenty-five (25) feet) a peace officer engaged in the execution of his official duties after the peace officer has ordered the person to stop approaching or retreat; assesses the penalty for the violation of approaching a peace officer as imprisonment for no more than 60 days, or a fine of not more than \$500 dollars, or both; makes as an affirmative defense the defendant's ability to establish that the lawful order or command was neither received nor understood by the defendant nor capable of being received or understood under the conditions and circumstances that existed at the time of the issuance of the order; defines peace officer as any individual defined in R.S. 14:112.4(B)(2) and R.S. 40:2402(3).

EXPENDITURES	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					
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					
Annual Total						

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in Local Funds expenditures for local governing authorities if a person is convicted of knowingly or intentionally approaching (within twenty-five (25) feet) a peace officer engaged in the execution of his official duties after the peace officer has ordered the person to stop approaching or retreat. The exact fiscal impact of the passage of this legislation to local governing authorities is indeterminable, since it creates a new crime, and it is not known how many people will be convicted and incarcerated in local facilities, nor the length of the sentences assessed with those convictions as a result of its potential enactment. The maximum imprisonment term is 60 days (a misdemeanor).

There is no anticipated direct material effect on state governmental expenditures as a result of this measure because this legislation creates a misdemeanor offense; therefore, these offenders are not sentenced to Department of Public Safety & Corrections - Corrections Services (DPS&C).

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of potential fines for approaching (within twenty-five (25) feet) a peace officer engaged in the execution of his official duties after the peace officer has ordered the person to stop approaching or retreat. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable because the fines that would be imposed on those convicted are optional, and the amount of the fines, if imposed, may vary. The potential revenue will accrue to the local governing authority.

Senate

Dual Referral Rules

House

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Patrice Thomas
Deputy Fiscal Officer