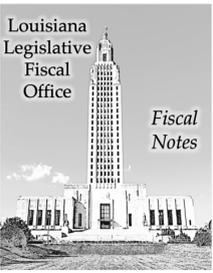


**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 99** HLS 24RS 106

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> April 5, 2024	8:59 AM	<b>Author:</b> BACALA
<b>Dept./Agy.:</b> Corrections, Sheriffs, Judiciary		<b>Analyst:</b> Daniel Druilhet
<b>Subject:</b> Contradictory Bail Hearings - Crimes of Violence		

BAIL EG INCREASE LF RV See Note  
Provides relative to contradictory bail hearings for certain persons

Current law provides that a contradictory bail hearing may be held prior to setting bail for a person in custody charged with domestic abuse battery, violation of protective orders, stalking, or any felony offense involving the use or threatened use of force or a deadly weapon upon the defendant's family member, household member, or dating partner; orders the contradictory hearing to held within five days from the date of determination of probable cause, exclusive of weekends and legal holidays. Proposed law mandates that no bail is set for arrests for sex offenses or felony crimes of violence until a magistrate has made a determination as to whether contradictory bail hearing requirements apply; allows any magistrate with the authority to fix bail to request that a law enforcement agency having custody of a defendant provide the magistrate with the defendant's criminal history in order to determine whether contradictory bail hearing requirements apply; mandates a contradictory bail hearing be held prior to setting bail for a person in custody charged with a sex offense or felony crime of violence (with a prior conviction for or charged with a sex offense or felony crime of violence and released pursuant to a bail undertaking for a sex offense or felony crime of violence); requires an order for a contradictory hearing to be held within 5 days of making determination on bail, exclusive of weekends and legal holidays; provides definitions for sex offense and felony crime of violence.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
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	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
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	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

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

Local courts may experience an increased workload related to the number of contradictory bail hearings that will be conducted. While the proposed law mandates that contradictory bail hearings be held prior to setting bail for a person in custody charged with a sex offense or felony crime of violence (with a prior conviction for or charged with a sex offense or felony crime of violence and released pursuant to a bail undertaking for a sex offense or felony crime of violence), there is no way to determine the number of contradictory hearings that will be conducted with its enactment. The LFO presumes that local courts can absorb any projected increase in workload using existing staff and resources.

**REVENUE EXPLANATION**

Proposed law may result in an indeterminable increase in local revenue to Sheriffs' offices, as it mandates a contradictory bail hearing prior to setting bail for a person in custody for a crime of violence (with a prior conviction for or charged with a sex offense or felony crime of violence and released pursuant to a bail undertaking for a sex offense or felony crime of violence). Proposed law has the effect of increasing the number of crimes and the number of instances in which contradictory bail hearings must be conducted, which will potentially increase the amount of revenue collected by local Sheriffs after decisions on bail are made by the courts. The exact fiscal impact to local Sheriffs is indeterminable, because there is no way to determine the number of contradictory bail hearings or collections associated with bail amounts that will be assessed by the courts with enactment of the proposed law.

*The Legislative Fiscal Office has requested details from the Louisiana Sheriffs' Association on historical collections of bail and potential revenue impact (positive or negative) on local Sheriffs. The LFO will provide this information as it becomes available.*

Senate  
 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}

**Patrice Thomas**  
**Deputy Fiscal Officer**