



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 92** HLS 26RS 729
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: March 3, 2026 4:29 PM	Author: SCHLEGEL
Dept./Agy.: Corrections and Sheriffs	
Subject: Sex Offenses	Analyst: Daniel Druilhet

CRIME/SEX OFFENSES OR SEE FISC NOTE GF EX Page 1 of 1
 Provides relative to certain sex offenses

Current law provides for the crime of first degree rape; provides for specific indictment forms and responsive verdicts and the responsive verdict for the crime of first degree rape; provides for the crime of oral sexual battery. Proposed law adds that rape committed when the victim is prevented from resisting the act because of the offender's application of force that overpowers the victim's ability to resist constitutes first degree rape; adds a specific indictment form for forcible rape or second degree rape; amends the responsive verdict for first degree rape to provide an exception for when a victim is under the age of 13, makes technical revisions relative to the order in which the offenses are listed, adds attempted sexual battery as a lesser offense, and repeals the crime of oral sexual battery.

EXPENDITURES	2026-27	2027-28	2028-29	2029-30	2030-31	5 -YEAR TOTAL
State Gen. Fd.	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	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total						
REVENUES	2026-27	2027-28	2028-29	2029-30	2030-31	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	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPS&C – CS) if a person is convicted of first degree rape when the victim is prevented from resisting the act because of the offender's application of force that overpowers the victim's ability to resist. Proposed law has the effect of adding circumstances under which an offender can be convicted of first degree rape under current law. The exact fiscal impact to DPS&C-CS is indeterminable, as it is unknown how many people will be convicted or the length of the sentences assessed with those convictions as a result of its potential enactment. Current law carries a punishment of either death (if a capital verdict is sought) or life imprisonment at hard labor without the benefit of parole, probation, or suspension of sentence.

For those convicted, sentenced, and then subsequently housed in a state facility, DPS&C-CS will sustain expenditures of \$107.60 per offender per day. For those convicted, sentenced, and then subsequently housed in a local facility, DPS&C-CS will sustain expenditures of \$29.39 per offender per day. DPS&C-CS advises that impacts on offender populations are anticipated to impact the number of offenders held in local facilities, and in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

For informational purposes, the Department of Public Safety and Corrections reports that over the last six years, an average of 43 offenders have been admitted to the custody of Corrections for first degree rape, with an average sentence length of 25 years.

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}

Patrice Thomas
 Deputy Fiscal Officer