

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 135** HLS 17RS 579

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 25, 2017 4:55 PM	Author: HODGES
Dept./Agy.: Attorney General	Analyst: Willis Brewer
Subject: Prohibits sanctuary policies	

ALIENS/ILLEGAL

OR SEE FISC NOTE GF EX

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Prohibits sanctuary policies by any state agency or political subdivision.

Proposed law defines "sanctuary policy" as any order, ordinance, rule, law, policy, or guideline, whether formally or informally adopted, that provides for any of the following: (1) Prohibits or discourages cooperation with I.C.E. in the enforcement of immigration laws. (2) Prevents law enforcement officers from exchanging information with I.C.E. (3) Prevents law enforcement from asking any suspect, arrestee, or person in lawful custody about his name, date and place of birth, or immigration status. (4) Restricts or imposes any conditions upon the state agency or political subdivision's cooperation or compliance with detainers or other requests from I.C.E. Proposed law provides that if the attorney general determines that the state agency or political subdivision has a sanctuary policy, the attorney general shall issue an opinion outlining the violation within 10 days of the determination and shall send the opinion to the head of the state agency or political subdivision, the governor, the treasurer, speaker of the House, president of the Senate, and each member of the House Committee on Appropriations and the Senate Committee on Finance. Proposed law requires that upon notification by the attorney general of a violation of proposed law, the state agency or political subdivision shall have 90 days to repeal the sanctuary policy and failure to do so allows the attorney general to file action for declaratory and injunctive relief against the state agency or political subdivision in violation of proposed law. Proposed law requires that the treasurer adopt rules to implement regarding proposed law

EXPENDITURES	2017-18	2018-19	2019-20	2020-21	2021-22	5 -YEAR TOTAL
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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

REVENUES	2017-18	2018-19	2019-20	2020-21	2021-22	5 -YEAR TOTAL
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>	\$0
Annual Total						

EXPENDITURE EXPLANATION

The Attorney General (AG) has stated there will be no impact to the agency's expenditures as a result of this legislation. However, the LFO estimates that the DOJ will incur expenses to the extent the AG responds to complaints, investigates, and litigates violations. Furthermore, the proposed legislation recognizes costs may be incurred and authorizes the attorney general to recover reasonable expenses incurred in obtaining relief including court costs, reasonable attorney fees, investigative costs, witness fees, and deposition costs from the state agency or political subdivision that is found to be in violation. The AG is funded primarily with a mix of SGF, SGR, and statutorily dedicated funds. Any increase in expenditures will likely be funded from these sources.

The proposed legislation will require law enforcement entities to notify United States Immigration and Customs Enforcement (I.C.E.) of individuals in custody that could not prove their lawful presence. According to the Louisiana Sheriffs Association, this will create a considerable increase in workload for law enforcement entities to ascertain whether an arrested individual is an illegal alien. At this time, the potential increase in expenditures cannot be determined.

Upon receipt of a complaint, the AG will be required to review and determine the validity of the complaint. The AG will then offer an opinion on the complaint which will serve as the violation notice to the entity. **CONTINUED ON PAGE 2**

REVENUE EXPLANATION

Proposed law provides for the state to receive civil penalties between \$1,000 - \$5,000 for each day any state agency or political subdivision is found to be noncompliant with this legislation. According to the Center for Immigration Studies, the only "sanctuary" city in Louisiana is New Orleans. To the extent New Orleans is found to be in violation of this legislation before July 1 and remains noncompliant for the fiscal year, the city would owe the state between \$365,000 (1 x \$1,000 x 365 days) to \$1.8 M (1 x \$5,000 x 365 days) in penalties for the entire fiscal year. Proposed legislation also requires the AG to ensure by appropriate means that the state seeks to recover all state grant funds or general appropriation funds received by the City from the time it became noncompliant.

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}

Evan Brasseaux

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Staff Director

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CONTINUED EXPLANATION from page one:

After the opinion/notification, the entity found to be in violation has ninety (90) days to repeal the sanctuary policy. In the event the entity fails to comply within this timeframe, the AG may file a civil action for declaratory and injunctive relief. At this time, it is not know how many additional complaints the AG will received in regards to potential violations (noncompliance) of this proposed legislation. To the extent the Attorney General has to hire an additional investigator or assistant attorney general, the estimated cost for the salary and benefits would be \$84,000 or \$103,000 respectively. The LFO has requested additional information from the AG including the AG's average workload (number of hours) and expense to investigate a complaint but has not received the information as of this writing.

Any state agency or political subdivision found by the courts to be in violation will be ordered to pay a civil penalty of \$1,000 to \$5,000 each day the entity remains noncompliant. To the extent a state agency or political subdivision is found to be in violation of this legislation before July 1 and remains noncompliant for the fiscal year, the entity would owe the state between \$365,000 (1 x \$1,000 x 365 days) to \$1.8 M (1 x \$5,000 x 365 days) in penalties for the entire fiscal year. Entities will also be subject to repay all monies received from state grant funds or general appropriation funds from the time it became non compliant.

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}

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