

LEGISLATIVE FISCAL OFFICE Fiscal Note

Fiscal Note On: **HB 594** HLS 18RS 865

Bill Text Version: ORIGINAL

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For .:

Date: March 26, 2018 3:19 PM

Dept./Agy.: Corrections and Public Service Commission

Subject: Telephone Solicitation

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CRIME OR SEE FISC NOTE GF EX
Creates the crime which would prohibit telemarketing targeted at the elderly population

<u>Present law</u> provides for criminal penalties for a crime involving telephone communications, improper language and harassment. Proposed law adds "telemarketing to the elderly." Proposed law defines telephone solicitation.

EXPENDITURES	2018-19	2019-20	2020-21	2021-22	2022-23	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>	<u>\$0</u>
Annual Total						
REVENUES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
						
	\$0	<u>*************************************</u>	 \$0	 \$0		\$0
State Gen. Fd.			\$0 \$0			
State Gen. Fd.	\$0	 \$0		\$0	\$0	\$0
State Gen. Fd. Agy. Self-Gen.	\$0 \$0	\$0 \$0	\$0	\$0 \$0	\$0 \$0	\$0 \$0
State Gen. Fd. Agy. Self-Gen. Ded./Other	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0

EXPENDITURE EXPLANATION

<u>Proposed law</u> may result in an indeterminable increase in SGF expenditures for the Department of Public Safety and Corrections - Corrections Services if a person is convicted for a second or subsequent offense of engaging in telephone solicitation of a person who is 65 years of age or older. The maximum imprisonment term imposed is 2 years at hard labor.

SGF expenditures will increase by \$54.21 per offender per day if an offender is housed in a state facility or \$24.39 for a state offender housed in a local facility. An offender sentenced to the custody of the Department of Public Safety and Corrections - Correction Services for one year would increase SGF expenditures by \$19,786.65 (\$54.21 per day x 365 days) if housed in a state facility and \$8,902.35 (\$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.

A first conviction is a misdemeanor and would result in an indeterminable increase in expenditures for local governing authorities if a person is convicted of engaging in telephone solicitation of a person who is 65 years of age or older. The maximum imprisonment term is six (6) months at the local level.

<u>Proposed law</u> provides an additional charge for District Attorneys (DAs) to consider when examining evidence related to the arrest of individuals suspected of committing or being involved in the commission of certain crimes related to engaging in telephone communications. The potential expenditure impact is indeterminable as the number of offenders that DAs may decide to prosecute under <u>proposed law</u> is unknown. The potential net effect on sentencing decisions cannot be determined and the potential cost impact is therefore unknown.

The Louisiana District Attorneys Association (LDAA) reports that <u>proposed law</u> would be difficult to prove and prosecute, and would likely require computer forensic investigation. Computer forensic investigation could potentially be expensive for DA offices. However, it is not possible to quantify how often this crime will be charged. LDAA assumes that offenses created in <u>proposed law</u> would not be charged often and would therefore create a negligible fiscal impact for the DAs.

REVENUE EXPLANATION

The <u>proposed law</u> may result in an indeterminable increase in local funds revenue as a result of potential fines for the crime of engaging in telephone solicitation of a person who is 65 years of age or older. The maximum fines assessed are: first offense - \$500 and second or subsequent offenses - \$5,000. The potential revenue will accrue to the local governing authority. The potential net effect on sentencing decisions cannot be determined and the potential revenue impact is therefore unknown.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>		
13.5.1 >	= \$100,000 Annual Fiscal Cost {S&H}	$6.8(F)(1) >= $100,000 SGF Fiscal Cost {H & S}$	Evan	Brasseaux
 13.5.2 >	= \$500,000 Annual Tax or Fee	6.8(G) >= \$500,000 Tax or Fee Increase	Evan Brasseaux	•
_	Change {S&H}	or a Net Fee Decrease {S}	Staff Director	