

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 322** HLS 20RS 63

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 29, 2020	10:58 AM	Author: ECHOLS
Dept./Agy.: Statewide		Analyst: Monique Appeaning
Subject: Crime - Theft of Metals		

CRIME/THEFT

OR SEE FISC NOTE GF EX

Page 1 of 2

Provides relative to the theft of metals

Proposed law creates the crime of theft of metals, provides for definitions, provides for elements of the offense, specific penalties and related matters.

EXPENDITURES	2020-21	2021-22	2022-23	2023-24	2024-25	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	SEE BELOW					
Annual Total						

REVENUES	2020-21	2021-22	2022-23	2023-24	2024-25	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 SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPSC - CS) or LF expenditures for local governing authorities if a person is convicted of the crime theft of metals. The number of individuals that may be convicted of the crime theft of metals is indeterminable. The maximum imprisonment terms are:

- Six months when the misappropriation or taking amounts to a value is less than \$1,000. For offenders convicted of theft two or more times previously, upon subsequent convictions, the maximum imprisonment term is 2 years with or without hard labor.
- Five years, with or without hard labor, when the misappropriation or taking amounts to a value of \$1,000 or more, less than a value of \$5,000.
- Ten years, with or without hard labor, when the misappropriation or taking amounts to a value of \$5,000 or more, less than a value of \$25,000.
- Twenty years, at hard labor, when the misappropriation or taking amounts to a value of \$25,000 or more.

EXPENDITURE EXPLANATION CONTINUED ON PAGE TWO

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of potential fines for the crime theft of metals with maximum fines as follows:

- \$2,000, when the misappropriation or taking amounts to a value is less than \$1,000. For two or more times previously, upon subsequent convictions, the maximum fine is \$2,000.
- \$3,000, when the misappropriation or taking amounts to a value of \$1,000 or more, less than a value of \$5,000.
- \$10,000, when the misappropriation or taking amounts to a value of \$5,000 or more, less than a value of \$25,000.
- \$25,000, when the misappropriation or taking amounts to a value of \$25,000 or more.

The potential revenue will accrue to the local governing authority. The number of individuals that may be convicted of the crime theft of metals is indeterminable.

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

Evan Brasseaux
Staff Director

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CONTINUED EXPLANATION from page one:

EXPENDITURE EXPLANATION CONTINUED FROM PAGE ONE

SGF expenditures will increase by \$67.44 per offender per day if an offender is housed in a state facility or \$26.39 for a state offender housed in a local facility. An offender sentenced to the custody of the DPSC - CS for one year would increase SGF expenditures by \$24,615.60 (\$67.44 per day x 365 days) if housed in a state facility and \$9,632.35 (\$26.39 per day x 365 days) if housed in a local facility. Approximately 50% of state offenders are housed in state facilities and approximately 50% are housed in local facilities.

Local governing authorities would realize an indeterminable expenditure increase as a result of misdemeanor conviction that result in incarceration in local facilities. The number of individuals that may be charged with and convicted for theft of metals is unknown and the net expenditure impact to local governing authorities is indeterminable.

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}

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