

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 439** HLS 23RS 322

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 11, 2023	7:28 AM	Author: BRYANT
Dept./Agy.: Louisiana Commission on Law Enforcement		Analyst: Daniel Druilhet
Subject: Victims of Vehicular Homicide Fund		

FUNDS/FUNDING OR INCREASE GF EX See Note
Creates the Victims of Vehicular Homicide Fund

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Current law requires the Crime Victims Reparations Board (CVRB) to take certain actions in the performance of its powers and duties. Proposed law amends current law and creates the Victims of Vehicular Homicide Act, which allows certain members of the victim's family to apply to the CVRB for a reparations award (of up to \$50,000 per claim and attorney's fees) for pecuniary loss for each death resulting from the offense of vehicular homicide (VH). Proposed law allows for procedural rules for applications submitted to and processed by the CVRB, along with form, documentation, and confidentiality requirements. Proposed law provides that the Attorney General may institute a civil action for recovery against any person convicted of VH for all or any part of a reparations payment. Proposed law mandates that a cost of \$50,000 be levied in each criminal action resulting in a conviction or guilty plea for VH or DWI, collected by clerks of court, paid to the Louisiana Commission on Law Enforcement, and then deposited in the State Treasury. Proposed law imposes a sentence of imprisonment of not more than one year or a fine of no more than \$500 for fraudulent receipt of reparations funds. Proposed law mandates that the treasurer pay to the person named in the order of payment of reparations the amount stated within the order, receive all payments to the Victims of Vehicular Homicide Fund (VVHF), and invest all monies in the VVHF in the same manner as monies in SGF.

EXPENDITURES	2023-24	2024-25	2025-26	2026-27	2027-28	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	SEE BELOW	\$0	\$0	\$0	\$0	\$0
Ded./Other	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						

REVENUES	2023-24	2024-25	2025-26	2026-27	2027-28	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will likely result in a significant increase in statutory dedication expenditures (CVRB) in LCLE as well as SGF expenditures in the Department of Justice. Expenses associated with this legislation are detailed below.

Attorney General

Proposed law will likely result in an increase in SGF expenditures in the Attorney General (AG), to the extent that the AG will be required to maintain awareness as to when judgments for vehicular homicide (VH) are made final and assume costs to file and litigate lawsuits. Proposed law provides discretionary authority to the AG to institute civil actions to recover payments for the CVRB, which is tasked with administering the VVHF. The AG's authority begins on the date on which the judgment of conviction for VH is made final, and the AG estimates that it will assume \$5,000 in expenses to maintain awareness as to when a judgment for VH is made final. The AG bases these expenditures on an assumption that there will be 15 cases of VH ending with a final judgment of conviction in a year. With its discretionary authority, the AG estimates that it will institute a civil action in 12 cases, and that filing suits for 12 cases to recover funds in parishes that have jurisdiction will require expenditures of \$4,000 for each case (12 x \$4,000 = \$48,000). Considering these estimates, the

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REVENUE EXPLANATION

Proposed law will likely result in an indeterminable increase in Statutory Dedication revenue in the LCLE to the extent that payments are made to the VVHF. Proposed law does not allow the LCLE to receive payments for claims until a conviction is secured for VH or DWI, and unless victims sustain a pecuniary loss and the offender failed to maintain compulsory motor vehicle liability insurance. The exact impact on Statutory Dedications to the LCLE is indeterminable because proceedings involving claims for reparations under the Victims of Vehicular Homicide Act could take several years to collect.

Proposed law may result in an indeterminable increase in local revenues as a result of potential fines for conviction of procuring or counseling another person to procure reparations from the Victims of Vehicular Homicide Fund by any fraud. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable because the fines that would be imposed on those convicted are optional, and the amount of the fines, if imposed, may vary.

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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Interim Deputy Fiscal Officer

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CONTINUED EXPLANATION from page one:
[CONTINUED FROM PAGE 1 - EXPENDITURES]

expenditures to maintain awareness of when a judgment for VH is made final (\$5,000) along with instituting 12 cases per year (\$48,000) will result in an increase of \$53,000 in SGF expenditures in the AG with enactment of proposed law.

Department of Public Safety & Corrections - Corrections Services

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPSC – CS) if a person is convicted of procuring or counseling another person to procure reparations from the Victims of Vehicular Homicide Fund by any fraud. The exact fiscal impact of the passage of this legislation is indeterminable, since it creates a new crime, and it is not known how many people will be convicted nor the length of the sentences assessed with those convictions as a result of its potential enactment.

SGF expenditures will increase by \$101.76 per offender per day to the extent that an offender is convicted and then subsequently housed in a state facility or \$26.39 per offender per day for an offender housed in a local facility. Since proposed law is a misdemeanor offense, the maximum fiscal impact per offender per offense is \$9,632.35 for an offender housed in a local facility (\$26.39 per offender per day x 365 days) and \$37,142.40 for an offender housed in a state facility (\$101.76 per offender per day x 365 days).

Louisiana Commission on Law Enforcement

Proposed law will likely result in an indeterminable increase in Statutory Dedication expenditures in the Louisiana Commission on Law Enforcement (LCLE), to the extent that it makes payments via the CVRB for costs levied in each criminal action resulting in a conviction or a guilty plea of \$50,000 per claim. According to the LCLE, between January 1, 2019, and April 2, 2023, the CVRB has considered 72 total homicide/hit and run claims involving a DWI offense. If each claim were to be paid at the maximum amount payable of \$50,000 per claim, the cost to implement the VVHF during this timeframe (with respect to payments for claims) would be \$3.6 M (72 x \$50,000), not inclusive of a mandatory award of attorney’s fees (at a rate of \$50 per hour). The exact fiscal impact of expenditures in the LCLE is indeterminable, because there is no way to determine the number of incidents of VH or DWI that will occur or the attorney’s fees that will generate in each case.

Treasury

Proposed law creates the Victims of Vehicular Homicide Fund (VVHF). Creating a new statutory dedication within the state treasury will result in a marginal workload increase for the Department of Treasury, which can generally be absorbed within existing resources. However, to the extent other legislative instruments create new statutory dedications, there may be material additional costs associated with the aggregate effort to administer these funds. The Treasury performs fund accounting, financial reporting, banking and custodial functions for 436 special funds. When unable to absorb additional workload with existing resources, the Treasury anticipates it will be required to add one T.O. position at a total personnel services cost of approximately \$78,000, plus approximately \$2,450 for a one-time purchase of office equipment. These expenditures are assumed to be SGR in this fiscal note.

Clerks of Court

Proposed law will likely result in an indeterminable increase in local fund expenditures within the Louisiana Clerks of Court (LCOC) to the extent that they receive costs paid by defendants who either plead guilty or are convicted of vehicular homicide. The Louisiana Clerks of Court Association anticipates the proposed law would require additional personnel to collect costs, administer accounting for additional claims, manage payment plans for costs for indigent defendants, and remit costs to the LCLE for deposit into the VVHF. The exact impact to local fund expenditures for the LCOC from proposed law is indeterminable because it is not possible to determine the number of claims that will result from VVH enforcement actions. For informational purposes, the Louisiana Clerks of Court Association reports that in 2022, there were 212 convictions for vehicular homicide.

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}

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