



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 556** HLS 23RS 851
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: June 9, 2023	7:59 AM	Author: DAVIS
Dept./Agy.: Corrections		
Subject: Tampering with Electronic Monitoring Equipment		Analyst: Daniel Druilhet

CORRECTIONS EN INCREASE GF EX See Note Page 1 of 1
 Provides relative to electronic monitoring

Current law assesses a sentence of imprisonment (SOI) of no more than 6 months and a fine of no more than (NMT) \$500 for those convicted of tampering with electronic monitoring equipment (TEME) (a misdemeanor); assesses a SOI of NMT one year (with at least 72 hours of the sentence served without benefit of probation, parole, or suspension of sentence) and a fine of NMT \$1,000 for conviction of TEME while involved in the commission of a felony (COF); authorizes the Department of Public Safety & Corrections (DPS&C) to develop written policies and procedures (WPP) governing electronic monitoring service (EMS) providers on the availability, storage, and use (ASU) of electronic monitoring equipment (EME). Proposed law amends current law to add hard labor to the SOI for conviction of TEME while involved in the COF and assesses a SOI of NMT one year and a fine of NMT \$1,000 for TEME after being released on bail for a felony crime of violence; adds new policies and procedures governing the ASU of EME and requires the Attorney General, Louisiana Commission on Law Enforcement, and Integrated Criminal Justice Information System Policy Board to promulgate rules regarding ASU of EME with DPS&C; amends current law to provide that any provider of an EMS who intentionally withholds or fails to timely report monitoring information required by current and proposed law shall be subject to a civil fine of NMT \$1,000 and prohibited from conducting business in Louisiana.

EXPENDITURES	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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						

EXPENDITURE EXPLANATION

Proposed law may result in an increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPSC – CS) to the extent that persons are convicted and subsequently imprisoned for no more than one year for conviction of tampering with electronic monitoring equipment after being released on bail for a felony crime of violence. Proposed law, while adding specific conditions on commission of TEME (being released on bail for a felony crime of violence), assesses a similar penalty of imprisonment to those who tamper with electronic monitoring equipment while engaged in a commission of a felony under current law.

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. Proposed law is a misdemeanor offense, and the maximum fiscal impact per offender per offense will vary depending upon the sentences imposed. The exact fiscal impact of the passage of this legislation is indeterminable since it not known how many people will be convicted and subsequently sentenced or the lengths of those sentences if proposed law is enacted.

Proposed law may result in an indeterminable increase in SGF expenditures in the Louisiana Department of Justice (Attorney General). Proposed law provides the Attorney General (AG) enforcement power against any provider of an electronic monitoring service that intentionally withholds or intentionally fails to timely report electronic monitoring information by allowing the AG to institute civil actions to prohibit the violating companies from providing or registering electronic monitoring services in Louisiana for five years and pursue a civil fine of no more than \$1,000 for each violation. The AG estimates no less than \$3,941 in expenditures (\$3,000 in attorney compensation plus court costs) for each enforcement action that it pursues to secure civil fines against electronic monitoring services that intentionally withhold or fail to timely report electronic monitoring information, and that the cost of the enforcement’s value may be equal to the fine imposed (\$1,000), considering the offending party’s responsibility to assume court costs and attorney’s fees. Proposed law’s impact to expenditures is indeterminable because there is no way to determine how many violations that will occur that will result in enforcement actions pursued by the AG.

REVENUE EXPLANATION

Proposed law will likely result in an indeterminable increase in SGR to the Attorney General. Proposed law allows the AG to pursue civil fines of no more than \$1,000 that will be assessed to providers of electronic monitoring services who intentionally withhold or fail to timely report electronic monitoring information. Because the fines assessed may vary, the fiscal impact on revenues (whether to state or local governmental entities) is unknown.

- | | | |
|--|--|--|
| <p><u>Senate</u></p> <p><input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}</p> <p><input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}</p> | <p><u>House</u></p> <p><input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}</p> <p><input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}</p> | |
|--|--|--|

Evan Brasseaux

Evan Brasseaux
 Interim Deputy Fiscal Officer