LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 131** HLS 11RS 758
Bill Text Version: **ORIGINAL**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: May 3, 2011 1:43 PM
Author: TEMPLET
Dept./Agy.: Corrections
Subject: Sex Offender Registration
Analyst: Matthew LaBruyere

SEX OFFENSE/REGISTRY OR INCREASE GF EX See Note

Amends the crime of failure to register to include the failure to comply with sex offender drivers' license and state identification card requirements

Proposed legislation retains present law and adds that a sex offender who has failed to meet the requirements of present law (R.S. 32:412(I) or R.S. 40:1321(J)) and is in possession of any document required by present law that has been altered with intent to defraud or who is in possession of a counterfeit document required by present law shall, on first conviction, be fined not more than $1,000 and imprisoned at hard labor for not less than 2 years nor more than 10 years without the benefit of parole, probation, or suspension of sentence. Proposed legislation provides that upon a second or subsequent violation, the offender shall be fined $3,000 and imprisoned at hard labor for not less than 5 years nor more than 20 years with the benefit of parole, probation, or suspension of sentence.

EXPENDITURES	**2011-12**	**2012-13**	**2013-14**	**2014-15**	**2015-16**	**5 -YEAR TOTAL**
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	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**

REVENUES	**2011-12**	**2012-13**	**2013-14**	**2014-15**	**2015-16**	**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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**

EXPENDITURE EXPLANATION

The proposed legislation may result in an increase in state general fund expenditures if a defendant is convicted for failure to register for a sex offender driver's license by possessing either an altered sex offender driver's license, or possessing a counterfeit driver's license. The exact fiscal impact of the passage of this legislation is indeterminable, since it creates penalties for failure to register as a result of possessing an altered sex offender driver's license or possessing a counterfeit driver's license and it is not known how many people will be convicted of these crimes. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by $55.78 per day per offender in state facilities since this bill mentions hard labor.

For illustrative purposes, each person that is convicted of these crimes for the first time and serves the minimum penalty of 2 years at a state facility would increase expenditures by $40,719 (1 offender x $55.78 per day x 730 days). Upon second or subsequent conviction, the offender, who serves the minimum penalty of 5 years at a state facility, would increase expenditures by $101,799 (1 offender x $55.78 per day x 1,825 days).

According to DOC, in 2010 there were 15 admissions for failure to register, notify, or pay the annual fee ($60) for sex offender with an average sentence of 2.97 years and 1 release with a time served of 0.7 years. There are currently 9 offenders in custody serving an average sentence of 3.28 years. NOTE: Of the 15 offenders admitted, 6 had more serious offenses and are not counted under failure to register, notify, or pay the annual fee for sex offender in the total population count.

REVENUE EXPLANATION

There is no anticipated direct material effect on state revenues as a result of this measure. However, any revenue generated through the imposition of fines as a result of conviction would accrue to local government entities.

Senate Dual Referral Rules House

☐ 13.5.1 >= $100,000 Annual Fiscal Cost {S&H}
☐ 13.5.2 >= $500,000 Annual Tax or Fee Change {S&H}
☐ 6.8(F)1 >= $500,000 Annual Fiscal Cost {S}
☐ 6.8(F)2 >= $100,000 Annual SGF Cost {H&S}
☐ 6.8(G) >= $500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

Evan Brasseaux
Staff Director