LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 141** HLS 11RS 686
Bill Text Version: **ORIGINAL**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: May 6, 2011 6:17 AM
Author: STIAES
Dept./Agy.: Corrections
Subject: Sex Offenses
Analyst: Matthew LaBruyere

CRIME/SEX OFFENSES OR DECREASE GF EX See Note

Provides with respect to the crimes of crime against nature and crime against nature by solicitation

Present law provides that a person convicted of crime against nature by solicitation shall be punished by a fine of not more than $2,000, imprisonment, with or without hard labor, for not more than 5 years, or both. Proposed legislation amends Present law penalties for a second or subsequent conviction of crime against nature by solicitation by imposing a fine of not less than $250 nor more than $2,000, imprisonment, with or without hard labor, for not more than 2 years, or both. Proposed legislation removes crime against nature and crimes against nature by solicitation from the list of offenses for which an offender shall comply with sex offender registration and notification requirements.

EXPENDITURES	**2011-12**	**2012-13**	**2013-14**	**2014-15**	**2015-16**	**5 -YEAR TOTAL**
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
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 a decrease in state general fund expenditures by reducing the maximum penalty of years served for crimes against nature by solicitation from 5 years to 2 years. The exact fiscal impact of the passage of this legislation is indeterminable, since it decreases the maximum penalty of time served from 5 years to 2 years and it is not known how many people will be convicted of this crime. However, for each year an offender in the custody of the Department of Public Safety and Corrections would not have to serve his sentence, the department would save $8,902 ($24.39 per day x 365 days) for housing in offender in a local facility and $20,360 ($55.78 per day x 365 days) for housing an offender in a state facility.

The department may also recognize additional savings with the statute no longer defined as a "sex offense". To the extent an offender that would have been placed under electronic monitoring for the remainder of his natural life is no longer required to be monitored, the department would save $1,183 ($3.24 per day x 365 days) per year.

For illustrative purposes, if a defendant is convicted and serves a maximum of 2 years (at a local facility), as proposed in this bill, it would cost $17,805 ($24.39 per day x 730 days). Under present law, if a defendant is convicted and serves a maximum of 5 years (at a local facility), as proposed in this bill, it would cost $44,512 ($24.39 per day x 1,825 days). This would result in a future savings of $26,707 ($44,512 present law - $17,805 proposed law).

To the extent this bill is enacted, sex offenders who were convicted of crime against nature (R.S. 14:89) or crime against nature by solicitation (R.S. 14:89.2) will no longer have to comply with sex offender requirements of registration (payment of $60 to local law enforcement) and notification (address and photo to schools and homes and businesses within a 1 mile radius of residence). Offenders that are required to register for life due to multiple convictions will have their files reviewed by the Criminal Records Section within State Police to determine if the offender can be released from the sex offender obligation. According to the Department of Public Safety (DPS), there are 2,723 offenders that have been convicted of either of the 2 crimes and are registered sex offenders. According to DPS, the department can absorb the cost and have current personnel perform the necessary reviews. This would have a negative impact on other work in the **(Continued on Page 2)**

REVENUE EXPLANATION

There is no anticipated direct material effect on state governmental revenues as a result of this measure. However, any revenue generated through the minimum amount of $250 fines by this legislation would accrue to local government entities. Local funds may decrease for offenders convicted of crime against nature or crime against nature by solicitation since the offenders will not have to pay the registration fee of $60.

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

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Staff Director

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CONTINUED EXPLANATION from page one:

bureau, and will take longer to process the files. However, in the event additional funding is available, DPS has indicated that in order to review all the files, a Criminal Records Analyst 3 will be needed for a three year job appointment. The salary and related benefits for this position are estimated to cost $36,194 per year along with an additional $775 per year for supplies, telephone, and office maintenance for an annual cost of $36,969 ($36,194 + $775).

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