

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: HB 55 HLS 11RS 529

Bill Text Version: ENROLLED

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Table with 2 rows and 3 columns: Date (June 10, 2011 8:01 AM), Author (THIERRY), Dept./Agy. (Corrections), Subject (Unlawful Use or Access of Social Media), Analyst (Matthew LaBruyere)

CRIME/SEX OFFENSES EN INCREASE GF EX See Note Page 1 of 1
Prohibits certain sex offenders from using or accessing social networking websites, chat rooms, and peer-to-peer networks

Proposed legislation creates the crime of unlawful use or access of social media by sex offenders who were either previously convicted of indecent behavior with juveniles, pornography involving juveniles, computer-aided solicitation of a minor, or video voyeurism or was previously convicted of a sex offense in which the victim of the offense was a minor. Proposed legislation provides an exception for those sex offenders who have permission to access social networking websites, chat rooms, or peer-to-peer networks from his probation or parole officer or a court of original jurisdiction. Proposed legislation provides that whoever violates the provisions, upon first conviction, be fined no more than \$10,000 and be imprisoned at hard labor for not more than 10 years without benefit of parole, probation, or suspension of sentence; and provides that upon second or subsequent conviction, be fined no more than \$20,000 and be imprisoned at hard labor for not less than 5 years nor more than 20 years without benefit of parole, probation, or suspension of sentence.

Table with 7 columns: EXPENDITURES, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 5 -YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total. Similar structure for REVENUES.

EXPENDITURE EXPLANATION

The proposed legislation may result in an increase in state general fund expenditures if a defendant is convicted of unlawful use or access of social media. 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 of this crime. 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 the penalty provides for imprisonment at hard labor. The annual cost of incarceration at the state level is \$20,360.

For illustrative purposes, if the offender, upon first conviction, serves the minimum of 10 years, the total cost of incarceration would be \$203,600 (1 offender x \$20,360 per year x 10 years).

According to the state sex offender registry, there are a total of 1,819 offenders that were convicted and registered as sex offenders for the crimes mentioned in this legislation including: 1,634 for indecent behavior with juveniles, 124 for pornography involving juveniles, 47 for computer-aided solicitation of a minor, and 14 for video voyeurism.

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.