# LEGISLATIVE FISCAL OFFICE
## Fiscal Note

Fiscal Note On: **SB 565** SLS 12RS 302
Bill Text Version: **REENGROSSED**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

**Date:** May 8, 2012 10:12 AM
**Author:** DORSEY-COLOMB
**Dept./Agy.:** Corrections
**Subject:** Death Row Inmates
**Analyst:** Matthew LaBruyere

CRIME/PUNISHMENT RE INCREASE SG EX See Note 
Prohibit death row inmate from selling items produced by him. (gov sig)

Proposed legislation prohibits persons convicted of a capital offense and sentenced to death from profiting from any notoriety gained from the commission of those crimes or the sentences imposed for those crimes. Proposed legislation provides that any proceeds or profits from any source, received by a defendant as a result of the defendant's crime or sentence for such crime, or the notoriety that such crime or sentence has conferred upon him, are to be paid to the state treasurer for deposit in an escrow account. Proposed law provides that anyone that contracts with a defendant for any purpose described in proposed law must file a copy of the contract with the state treasurer, and pay any funds that would be payable to the defendant. Proposed legislation provides for distribution of the funds in the escrow account. Proposed legislation provides for who is eligible to have a judgment or reparations award satisfied from the escrow account. Proposed legislation provides for registration of victims to receive funds in escrow account. Proposed legislation provides for notification of victims to receive funds. Proposed legislation provides that any artistic work produced by a capital offender is considered contraband.

| **EXPENDITURES** | **2012-13** | **2013-14** | **2014-15** | **2015-16** | **2016-17** | **5 -YEAR TOTAL** |
|---|---|---|---|---|---|---|
| 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** | | | | | | |

| **REVENUES** | **2012-13** | **2013-14** | **2014-15** | **2015-16** | **2016-17** | **5 -YEAR TOTAL** |
|---|---|---|---|---|---|---|
| State Gen. Fd. | $0 | $0 | $0 | $0 | $0 | **$0** |
| Agy. Self-Gen. | INCREASE | INCREASE | INCREASE | INCREASE | INCREASE | |
| Ded./Other | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Federal Funds | $0 | $0 | $0 | $0 | $0 | **$0** |
| Local Funds | INCREASE | INCREASE | INCREASE | INCREASE | INCREASE | |
| **Annual Total** | | | | | | |

**EXPENDITURE EXPLANATION**

The proposed legislation may result in an indeterminable increase in self-generated expenditures in the Office of the Treasurer as a result of creating escrow accounts for offenders sentenced to death row that receive compensation from the notoriety of their crime. The exact fiscal impact of this legislation is indeterminable since it is unknown how many offenders on death row will receive funds through a contract based on the notoriety of their crimes. However, there would be an annual cost to the department of approximately $10,000 (overtime for existing personnel and newspaper advertising), as a result of analyzing the offenders' escrow accounts, notifying victims regarding the escrow accounts, and advertising in the state journal regarding offender escrow accounts. In addition, there will be a one-time expense of approximately $50,000 to set up a database to maintain victim information regarding the escrow accounts.

The proposed legislation will likely have no impact on expenditures as a result of inspecting incoming and outgoing inmate correspondence associated with offenders on death row. According to the Department of Corrections, the average offender at Louisiana State Penitentiary (LSP) receives and sends approximately 11 letters per month, or 132 letters per year (11 letters x 12 months). There are currently 107 offenders on death row, which would result in 14,124 (132 letters x 107 death row inmates) letters per year for death row inmates. On average, half of all correspondence at LSP is inspected.
**(CONTINUED ON PAGE 2)**

**REVENUE EXPLANATION**

The proposed legislation may result in an indeterminable increase in local fund revenue. To the extent the offender has funds in the escrow account and the court assesses fines or costs, the funds will be accrued by the local governmental unit.

The proposed legislation may result in an indeterminable increase in self-generated revenue and statutory dedicated revenue. The increase in self-generated revenue would occur as a result of the offender's funds placed in escrow for 10 years after the court order or first deposit by the contracting party. After 10 years in escrow, the remaining funds in the account would be placed in the Crime Victims Reparations Fund, which would increase statutory dedicated revenue. The amount deposited in the fund may be reduced if there is any civil action pending against the offender.

| Senate | Dual Referral Rules | House |
|---|---|---|
| ☐ 13.5.1 >= $100,000 Annual Fiscal Cost {S&H} | | ☐ 6.8(F)1 >= $500,000 Annual Fiscal Cost {S} |
| ☐ 13.5.2 >= $500,000 Annual Tax or Fee Change {S&H} | | ☐ 6.8(G) >= $500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

Evan Brasseaux

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**Staff Director**

**CONTINUED EXPLANATION from page one:**

**EXPENDITURE EXPLANATION CONTINUED:**

To the extent all correspondence regarding death row inmates is to be inspected, 7,062 (14,124 letters x 50% inspected) additional letters would have to be inspected. The LFO anticipates these additional inspections can be accomplished with existing personnel at LSP.

The proposed legislation defines contraband as any sketch, painting, drawing, or other pictorial rendering produced in whole or in part by a capital offender, unless authorized by the warden of the institution, will have no impact on state general fund expenditures. The penalty for contraband is incarceration with or without hard labor for not more than 5 years. Since the definition applies to capital offenders who are serving their sentence on death row, any capital offender convicted of this crime would not result in additional costs to the department since the offender is currently incarcerated.

| Senate | Dual Referral Rules | House |
|---|---|---|
| ☐ 13.5.1 >= $100,000 Annual Fiscal Cost {S&H} | | ☐ 6.8(F)1 >= $500,000 Annual Fiscal Cost {S} |
| ☐ 13.5.2 >= $500,000 Annual Tax or Fee Change {S&H} | | ☐ 6.8(G) >= $500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

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