

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 70** HLS 12RS 262  
 Bill Text Version: **ENROLLED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> May 9, 2012 9:24 AM	<b>Author:</b> ST. GERMAIN
<b>Dept./Agy.:</b> Corrections	<b>Analyst:</b> Matthew LaBruyere
<b>Subject:</b> Sex Offenses	

CRIME/SEX OFFENSES EN INCREASE GF EX See Note Page 1 of 1  
 Creates the crime of unlawful presence or contact of a sex offender relative to a former victim

Proposed legislation prohibits a sex offender from doing any of the following: establish a residence or reside within 3 miles of the victim of the offense for which he was convicted; knowingly be physically present within 300 feet of the victim of the offense for which he was convicted. Whoever violates the provisions of residing within 3 miles or present within 300 feet of the victim shall be fined not more than \$1,000, imprisoned for not more than 1 year, or both.

Proposed legislation prohibits a sex offender from engaging in communication with the victim of the offense for which he was convicted or an immediate family member of the victim, unless the victim consents to such communication in writing. Whoever violates the provisions of communicating with the victim or victim's family shall be fined not more than \$500, imprisoned for not more than six months, or both.

Proposed legislation further provides for affirmative defenses to prosecution for a violation of proposed legislation.

<b>EXPENDITURES</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<b>Annual Total</b>						

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

**EXPENDITURE EXPLANATION**

The proposed legislation may result in an indeterminable increase in state general fund expenditures if a defendant is convicted of establishing a residence within 3 miles of the victim or being physically present within 300 feet of the victim. The exact fiscal impact of the passage of this legislation is indeterminable, since the legislation creates a new crime and it is not known how many individuals will be convicted of this crime. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by \$24.39 per day per offender in local facilities. To the extent that offenders are sentenced and housed in state facilities, the cost per day per offender is \$50.75. Currently, the Department of Corrections houses 50% of state offenders at the local level and 50% at the state level.

To the extent a defendant is convicted of establishing a residence within 3 miles of the victim or being physically present within 300 feet of the victim and serves 1 year, the cost to house the offender at a local facility would be \$8,902 (1 offender x \$24.39 per day x 365 days) and the cost to house an offender at a state facility would be \$18,524 (1 offender x \$50.75 per day x 365 days).

The proposed legislation regarding communication between the offender and the victim or victim's immediate family is a misdemeanor; therefore, these offenders are not sentenced to the Department of Public Safety and Corrections. Local law enforcement agencies may realize an indeterminable increase in expenditures associated with prison costs. The cost increase will depend on the number of persons convicted and the cost per day for a local law enforcement agency to incarcerate an offender.

NOTE: There are currently 10,367 active sex offenders in the state of Louisiana.

**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.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>	
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}	<input type="checkbox"/> 6.8(F)1 >= \$500,000 Annual Fiscal Cost {S}		<i>Evan Brasseaux</i>
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}	<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}		<b>Evan Brasseaux</b> Staff Director