

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 338** HLS 12RS 317
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action: **W/ SEN FLOOR AMD**
 Proposed Amd.:
 Sub. Bill For.:

| | | |
|--------------------------------|---------|-----------------------------------|
| Date: May 15, 2012 | 8:42 AM | Author: JOHNSON |
| Dept./Agy.: Corrections | | Analyst: Matthew LaBruyere |
| Subject: Sex Offenders | | |

SEX OFFENSE/REGISTRY REF INCREASE GF EX See Note Page 1 of 1
 Authorizes the use of truth verification examinations for certain sex offenders

Present law provides for certain conditions of probation and parole imposed upon certain sex offenders. Proposed legislation authorizes the use of truth verification examinations for sex offenders convicted of a sex offense where the victim was a minor, if ordered by the court or the Board of Parole and if the department has the equipment and appropriately trained personnel, in order to determine whether the offender has violated a condition of his probation or parole. Proposed legislation provides that the truth verification examination shall be subsequent to an allegation, or at the discretion of the probation or parole officer who has reason to believe, that the sexual offender has violated a condition of probation or parole. Proposed legislation provides that the truth verification examination shall be conducted by a trained and certified polygraphist or voice stress examiner. Proposed legislation provides that the results of the truth verification examination shall be used to determine the level of supervision and treatment needed by the sexual offender, however, the results shall not be used as evidence in court or by the Board of Parole to prove that a violation of a condition of probation or parole has occurred. Proposed legislation authorizes the offender to request a second truth verification examination to be conducted by a trained and certified examiner of the offender's choice and at the offender's cost.

| EXPENDITURES | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 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 | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| 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. | SEE BELOW | |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| Annual Total | | | | | | |

EXPENDITURE EXPLANATION

The proposed legislation may result in an indeterminable increase in state general fund expenditures as a result of administering truth verification on certain sex offenders as a condition of probation or parole. The exact fiscal impact is indeterminable, since it is unknown how many sex offenders would have this as a condition of probation and parole and how many sex offenders would fail the truth verification, thus having probation or parole revoked. However, any offender whose parole or probation is revoked increases expenditures of the Department of Corrections by \$21.97 (\$24.39 per day - \$2.42 supervision per day) per day per offender in local facilities. To the extent that any offender whose parole or probation is revoked and housed in a state facility, the increase per day per offender is \$48.33 (\$50.75 per day - \$2.42 supervision per day). Currently, the Department of Corrections houses 50% of state offenders at the local level and 50% at the state level.

According to the Department of Corrections, the Division of Probation and Parole has 2 polygraph machines and 2 probation and parole officers that are trained polygraphists. To the extent the proposed legislation would require additional machines and certified polygraphists to use truth verification, each additional machine would cost approximately \$8,000 and polygraph training would cost \$5,000 per officer. The Department of Corrections also noted that the cost for a contract polygraph exam to be administered would be \$225 for each test. It should be noted that the additional exam cost would be paid by the offender.

The department does not have voice stress analysis equipment, nor a trained voice stress analysis officer. An RFP would be issued for the purchase of voice stress analysis equipment and training associated with voice stress analysis in the event additional truth verification equipment was required.

NOTE: According to the Department of Corrections, there are currently 1,029 sex offenders released on probation or parole in which the crime involved a minor.

REVENUE EXPLANATION

The proposed legislation may result in a decrease in self-generated revenues if an offender who is under probation or parole supervision has his probation or parole revoked as a result of failing a truth verification exam. An offender on probation supervision can pay no more than \$60 per month for supervision fee and an offender on parole supervision can pay no more than \$63 per month for supervision fee. The department may increase self-generated revenues to the extent an offender chooses a trained examiner within the department to administer a second truth verification test.

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| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> | <i>Evan Brasseaux</i> |
| <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} | | |
| <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} | | Evan Brasseaux Staff Director |