LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 620** HLS 12RS 984
Bill Text Version: **ENROLLED**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: May 16, 2012 1:36 PM
Author: THIERRY
Dept./Agy.: Corrections
Subject: Unlawful Use of Social Networking
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SEX OFFENSE/REGISTRY EN INCREASE GF EX See Note

Provides for the unlawful use of a social networking website

Proposed legislation amends present law and provides that it shall be unlawful for certain sex offenders who are required to register as a sex offender to "use" social networking websites and repeals the present law prohibition on the use or access of chat rooms or peer-to-peer networks. Proposed legislation removes present law provision which allows the sex offender to get permission to use social networking websites from his probation or parole officer or the court of original jurisdiction. Proposed legislation removes the definition of "chat room" and "peer-to-peer network" and amends the definition of "social networking website" as follows: shall only include those internet websites with the primary purpose is facilitating social interaction with other users of the website and which allows users to create web pages or profiles about themselves that are available; shall not include an internet website the primary purpose of which is facilitation of commercial transactions or the dissemination of news, or which provides only one of the following services: photo-sharing, electronic mail, or instant messenging to the public or other users and offers a mechanism for communication among users.

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	$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.	$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						

EXPENDITURE EXPLANATION

The proposed legislation may result in an indeterminable increase in state general fund expenditures if a defendant is convicted of unlawful use of social networking. The exact fiscal impact of the passage of this legislation is indeterminable, since it redefines the crime of unlawful use of social networking 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 $50.75 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 $18,524.

To the extent an offender serves 1 year for a first conviction of the proposed crime, the cost in a state facility would be $18,524 (1 offender x $50.75 per day x 365 days). To the extent the offender served the maximum of 10 years, the cost in a state facility would be $185,240 (1 offender x $18,524 per year x 10 years).

To the extent an offender serves the minimum of 5 years for a second or subsequent conviction of the proposed crime, the cost in a state facility would be $96,620 (1 offender x $18,524 per year x 5 years). To the extent the offender served the maximum of 20 years, the cost in a state facility would be $370,480 (1 offender x $18,524 per year x 20 years).

According to the state sex offender registry, there are a total of 2,578 offenders that were convicted and registered as sex offenders for the crimes mentioned in this legislation including: 2,278 for indecent behavior with juveniles, 208 for pornography involving juveniles, 65 for computer-aided solicitation of a minor, and 27 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.

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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