2016 Regular Session

HOUSE BILL NO. 409

BY REPRESENTATIVE HENRY

FUNDS/FUNDING: Provides for the transfer, deposit, and use of monies among state funds

1	AN ACT
2	To amend and reenact Code of Criminal Procedure Article 895.1(F)(3)(d) and (e) and to
3	enact R.S. 17:1519.6(E) and Code of Criminal Procedure Article 895.1(F)(3)(f),
4	relative to state funds; to provide for the deposit of certain funds into the state
5	treasury; to provide for distributions out of the Sex Offender Registry Technology
6	Fund; to provide for outstanding fund transfers; to provide for the deposit of hospital
7	lease payments; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 17:1519.6(E) is hereby enacted to read as follows:
10	§1519.6. Funding and budget
11	* * *
12	E. Notwithstanding any provision of law to the contrary, the LSU Health
13	Science Center - Health Care Services Division, the LSU Health Sciences Center -
14	New Orleans, and the LSU Health Sciences Center - Shreveport are hereby
15	authorized and directed to deposit into the state general fund all receipts of lease
16	payments for the public/private partnership leases of state hospital buildings and
17	equipment.
18	Section 2. Code of Criminal Procedure Articles 895.1(F)(3)(d) and (e) are hereby
18 19	Section 2. Code of Criminal Procedure Articles $895.1(F)(3)(d)$ and (e) are hereby amended and reenacted and Code of Criminal Procedure Article $895.1(F)(3)(f)$ is hereby

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	Art. 895.1. Probation; restitution; judgment for restitution; fees; Sex Offender
2	Registry Technology Fund
3	* * *
4	F. When the court places the defendant on supervised probation, it shall
5	order as a condition of probation the payment of a monthly fee of eleven dollars.
6	The monthly fee established in this Paragraph shall be in addition to the fee
7	established in Paragraph C of this Article and shall be collected by the Department
8	of Public Safety and Corrections and shall be transmitted, deposited, appropriated,
9	and used in accordance with the following provisions:
10	* * *
11	(3) The monies in the Sex Offender Registry Technology Fund shall be
12	appropriated as follows:
13	* * *
14	(d) For Fiscal Year 2014-2015, and thereafter, and Fiscal Year 2015-2016,
15	residual monies available for appropriation after satisfying the requirements of
16	Subsubparagraphs (a) and (b) of this Subparagraph shall be appropriated to the
17	Department of Justice, office of the attorney general. Of that residual amount, two
18	hundred and fifty thousand dollars shall be allocated to the office of the attorney
19	general of which one hundred and fifty thousand dollars shall be allocated for
20	personnel and other costs to assist and monitor sheriff participation in utilization of
21	the computer system and the administration of the sex offender and child predator
22	registration and notification laws as set forth in R.S. 15:540 et seq., and one hundred
23	thousand dollars of which shall be allocated to the cost of maintenance of the
24	computer system of the sheriffs of the parishes for registration of sex offenders and
25	child predators.
26	(e) For Fiscal Year 2016-2017, and thereafter, residual monies available for
27	appropriation after satisfying the requirements of Subsubparagraphs (a) and (b) of
28	this Subparagraph shall be appropriated to the Department of Justice, office of the
29	attorney general. Of that residual amount, four hundred thousand dollars shall be

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1	allocated to the office of the attorney general, of which one hundred and fifty
2	thousand dollars shall be allocated for personnel and other costs to assist and monitor
3	sheriff participation in utilization of the computer system and the administration of
4	the sex offender and child predator registration and notification laws as set forth in
5	R.S. 15:540 et seq., one hundred fifty thousand dollars shall be allocated to the cost
6	of maintenance of the computer system of the sheriffs of the parishes for registration
7	of sex offenders and child predators, and one hundred thousand dollars shall be
8	allocated to the cost of a sex offender education program for school children to be
9	implemented in cooperation with the sheriffs or other law enforcement entities of the
10	parishes responsible for registration of sex offenders and child predators.
11	(f) After providing for the allocations in Subsubparagraphs (a), (b), (c), and
12	(d), and (e) of this Subparagraph, the remainder of the residual monies in the Sex
13	Offender Registry Technology Fund shall, pursuant to an appropriation to the office
14	of the attorney general, be distributed to the sheriff or other law enforcement agency
15	primarily responsible for registering sex offenders of each parish, based on the
16	population of convicted sex offenders, sexually violent predators, and child predators
17	who are residing in the parish and who are active sex offender registrants or active
18	child predator registrants in the respective parishes according to the State Sex
19	Offender and Child Predator Registry. These funds shall be used to cover the costs
20	associated with sex offender registration and compliance. Population data necessary
21	to implement the provisions of this Subparagraph shall be as compiled and certified

26 certified by the undersecretary of the Department of Public Safety and Corrections,
27 to the recipient sheriffs who are actively registering offenders pursuant to this
28 Paragraph.

by the undersecretary of the Department of Public Safety and Corrections on the first

day of June of each year. No later than June fifteenth of each year, thirty days after

the Revenue Estimating Conference recognizes the prior year balance, the office of

the attorney general shall make these distributions, which are based on the data

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1	Section 3. Notwithstanding any provision of law to the contrary, any outstanding
2	fund transfers contained in Act 378 of the 2011 Regular Session of the Legislature, Act 597
3	of the 2012 Regular Session of the Legislature, Act 420 of 2013 Regular Session of the
4	Legislature, Act 646 of the 2014 Regular Session of the Legislature, Act 121 of the 2015
5	Regular Session of the Legislature, and any fund transfers approved by the Joint Legislative
6	Committee on the Budget as part of a mid-year reduction shall be considered null and void
7	and of no further effect on July 1, 2016.
8	Section 4. This Act shall become effective upon signature by the governor or, if not
9	signed by the governor, upon expiration of the time for bills to become law without signature
10	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11	vetoed by the governor and subsequently approved by the legislature, this Act shall become
12	effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 409 Original	2016 Regular Session	Henry
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Abstract: Provides for deposits into the state general fund, nullifies prior fund transfers, and provides for the uses of certain special treasury funds.

HOSPITAL LEASE PAYMENTS

<u>Proposed law</u> directs the LSU Health Science Center - Health Care Services Division and the LSU Health Sciences Centers - New Orleans and Shreveport to deposit into the state general fund all public/private partnership hospital and hospital equipment lease payments.

SEX OFFENDER REGISTRY TECHNOLOGY FUND

<u>Present law</u> provides for the allocation of \$250,000 out of Sex Offender Registry Technology Fund to the office of the attorney general as follows:

- (1) \$150,000 for personnel and other costs to assist and monitor sheriff participation in the computer system and administration of the sex offender and child predator registration and notification laws.
- (2) \$100,000 for maintenance of the computer system of the sheriffs for registration of sex offenders and child predators.

<u>Proposed law</u>, beginning FY 2016-2017, increases the total allocation from \$250,000 to \$400,000 to the office of the attorney general as follows:

(1) \$150,000 for personnel and other costs as provided in Paragraph (1) of present law.

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- (2) \$150,000 for computer maintenance as provided in Paragraph (2) of present law.
- (3) \$100,000 for the cost of a sex offender education program for school children to be implemented in cooperation wih sheriffs or other law enforcement entities.

<u>Present law</u> requires the annual remaining balance in the Sex Offender Registry Technology Fund as of June 15 be distributed to the recipient sheriffs who are actively registering offenders.

<u>Proposed law</u> provides that the balance also be distributed to other law enforcement agencies primarily responsible for registering sex offenders and changes the date <u>from</u> June 15 to 30 days after the Revenue Estimating Conference (REC) recognizes the prior year-end balance.

PRIOR YEAR FUND TRANSFERS

<u>Proposed law</u> nullifies any fund transfers that have not occurred by July 1, 2016 contained in the "fund transfer" bills of the 2011 through 2015 Regular Sessions and any fund transfers approved by the Joint Legislative Committee on the Budget as part of a mid-year deficit reduction.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.Cr.P Art. 895.1(F)(3)(d) and (e); Adds R.S. 17:1519.6(E) and C.Cr.P. Art.895.1(F)(3)(f))