

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: HB 262 HLS 16RS 801

Bill Text Version: ORIGINAL

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Table with 2 rows and 2 columns. Row 1: Date: March 22, 2016 2:31 PM, Author: LEGER. Row 2: Dept./Agy.: Corrections, Analyst: Monique Appeaning. Subject: Human Trafficking and Trafficking of Children.

CRIMINAL/VICTIMS OR INCREASE GF EX See Note Page 1 of 2
Amends the threshold age of the victim for certain elements and penalty provisions of the crimes of human trafficking and trafficking of children for sexual purposes
Present law provides enhanced penalties for the crime of human trafficking when the trafficking involves a person under the age of 18 yrs, including a fine of not more than \$25,000 and imprisonment at hard labor for not less than five nor more than 25 yrs, five years of which shall be without the benefit of parole, probation, or suspension of sentence. Proposed law increases this age from under 18 yrs to under 21 yrs and otherwise retains present law.
Present law provides that it shall be unlawful: (1) For any person to knowingly recruit, harbor, transport, provide, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a person under the age of 18 yrs for the purpose of engaging in commercial sexual activity; (2) For any parent, legal guardian, or person having custody of a person under the age of 18 yrs to knowingly permit or consent to such minor entering into any activity prohibited by present law. Proposed law raises the threshold age from under 18 yrs to under 21 yrs and otherwise retains present law. Continued on Page 2.

Table with 7 columns: EXPENDITURES, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, 5 -YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total. Similar structure for REVENUES.

EXPENDITURE EXPLANATION
This legislation may result in an indeterminable increase in state general fund expenditures as a result of certain sentencing guideline changes.

SGF expenditures will increase by \$51.68 per offender per day if offenders are housed in state facilities and by \$24.39 for state offenders housed in local facilities. Offenders sentenced to the custody of the Department of Public Safety and Corrections for one year would increase SGF expenditures by \$18,863 (\$51.68 per day x 365 days) if housed in a state facility and \$8,902 (\$24.39 per day x 365 days) if housed in local facilities. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

The current number of state offenders who are imprisoned for the crime of Human Trafficking (Victim Under Age 18) (R.S.14.46.2) is 5. The current number of state offenders who are imprisoned for the crime of Trafficking of Children (R.S.14.46.3) is 3.

REVENUE EXPLANATION
The proposed legislation may result in an indeterminable increase in local funds revenue as result of potential fines. The maximum fine assessed for human trafficking is \$25,000 and the maximum fine for trafficking of children for sexual purposes is \$100,000. The potential revenue will accrue to the local governing authority.

Senate Dual Referral Rules House
13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & 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
Evan Brasseaux
Staff Director



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CONTINUED EXPLANATION from page one:

Page 2 of 2

Continued Summary from Page 1.

Proposed law raises the threshold age from under 18 yrs to under 21 yrs and otherwise retains present law. Present law provides that anyone who has been previously convicted of a sex offense and is convicted of trafficking of children for sexual purposes when the victim of the sex offense was under the age of 18 yrs, shall be fined not more than \$100,000 and shall be imprisoned at hard labor for not less than 50 yrs or for life. At least 50 yrs of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Proposed law raises the threshold age from under 18 yrs to under 21 yrs and otherwise retains present law.

Present law provides that a parent or guardian or person with legal custody who allows a child under their care to participate in trafficking of children for sexual purposes when the victim is under the age of 14 shall be required to serve at least 10 yrs of their sentence without benefit of probation, parole, or suspension of sentence. Proposed law raises the threshold age from under 14 yrs to under 18 yrs and otherwise retains present law.

Senate

Dual Referral Rules

House

- ☐ 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}
- ☐ 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & 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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