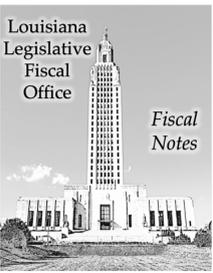


LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 6** HLS 25RS 250
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 15, 2025 10:50 AM	Author: JACKSON
Dept./Agy.: Corrections and Sheriffs	
Subject: Misappropriation of Funds and Payment of Utility Services	Analyst: Daniel Druilhet

CRIME/THEFT EG SEE FISC NOTE GF EX Page 1 of 1
 Creates the crime of misappropriation of funds in connection with the payment of utility services

Proposed law creates the crime of misappropriation of funds associated with the payment of utility services; prohibits any person receiving money or payment in accordance with a lease contract or rental agreement to pay utility services to knowingly fail to apply the money or payment as necessary to satisfy the amount owed for the utility services; assesses sentences of imprisonment and fines for misappropriation or taking of funds as follows - for \$25,000 or more, no more than 20 years imprisonment, at hard labor, or a fine of no more than \$50,000, or both, for a value of \$5,000 but less than \$25,000, no more than 10 years imprisonment, with or without hard labor, a fine of no more than \$10,000, or both, for a value of \$1,000 to less than \$5,000, no more than five years imprisonment, with or without hard labor, a fine of no more than \$3,000, or both, and for a value of less than \$1,000, no more than six months imprisonment, a fine of \$1,000, or both, and for second or subsequent convictions, no more than two years imprisonment, a fine of no more than \$2,000, or both; orders those convicted to make full restitution in accordance with C.Cr. P. Art. 883.2 to to the victim and any other person who has suffered a financial loss as a result of the offender's conduct.

EXPENDITURES	2025-26	2026-27	2027-28	2028-29	2029-30	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW					
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	2025-26	2026-27	2027-28	2028-29	2029-30	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					
Annual Total						

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety & Corrections-Corrections Services (DPS&C-CS), to the extent that a person is convicted of misappropriation of funds associated with the payment of utility services. Proposed law has the effect of assessing sentences of imprisonment specific to the value of the misappropriation or taking for those convicted of its violation. Proposed law (misappropriation of funds when the misappropriation or taking amounts to a value of \$25,000 or more) is a felony. Proposed law (misappropriation of funds when the misappropriation or taking amounts to a value less than \$25,000) is a relative felony, and any impact on either state or local expenditures is contingent on whether offenders sustain either a misdemeanor or felony-grade convictions for its violation. The exact fiscal impact to DPS&C-CS is indeterminable, as it is unknown how many people will be convicted or the length of the sentences assessed with those convictions as a result of its potential enactment.

To the extent that offenders sustain a felony-grade conviction for violation of the proposed law, DPS&C-CS will sustain an indeterminable increase in expenditures. For those convicted, sentenced, and then subsequently housed in a state facility, DPS&C-CS will sustain expenditures of \$107.60 per offender per day. For those housed in local facilities, DPS&C-CS will sustain expenditures of \$26.39 per offender per day. DPS&C-CS advises that impacts on offender populations are anticipated to impact the number of offenders held in local facilities, and that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

To the extent that offenders sustain a misdemeanor conviction for violation of the proposed law, local governing authorities will sustain Local Funds expenditures. The exact fiscal impact of the passage of this legislation to local governing authorities is indeterminable, since it is not known how many people will be convicted and incarcerated in local facilities, nor the length of the sentences assessed with those convictions as a result of its potential enactment. The maximum imprisonment term for misappropriation of funds when the misappropriation or taking amounts to a value of less than \$25,000 is no more than 10 years.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of convictions of misappropriation of funds associated with the payment of utility services. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable, as the fines that would be imposed on those convicted are optional, and the amount of fines that may be imposed may vary. The potential revenue will accrue to the local governing authority.

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|---|----------------------------|--|
| <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) >= \$100,000 SGF Fiscal Cost {H & 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} |


Patrice Thomas
Deputy Fiscal Officer