

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 124** HLS 17RS 463  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

|   |                             |
|---|-----------------------------|
| <b>Date:</b> April 23, 2017 6:58 AM                                       | <b>Author:</b> BILLIOT      |
| <b>Dept./Agy.:</b> Judicial Branch/Dept. of Public Safety and Corrections | <b>Analyst:</b> Zachary Rau |
| <b>Subject:</b> Dissemination of Material Obtained through Discovery      |                             |

CRIMINAL/PROCEDURE OR SEE FISC NOTE GF EX Page 1 of 1  
 Provides relative to the dissemination of material obtained through discovery or compulsory processes

Proposed law allows courts to issue mandatory and/or discretionary nondisclosure orders. Proposed law requires mandatory nondisclosure orders for cases involving victims aged 18 years or younger, sex offense victims, victims of human trafficking-related offenses, or victims of violent crimes. Proposed law provides that nondisclosure orders will remain in effect until the material protected by the order becomes public record as to all defendants in the case pursuant to present public records law. Proposed law defines "defense" and "member of the defense." Proposed law creates the crime of violating a nondisclosure order and provides for the following penalties: if violating a mandatory order, fined not more than \$10,000 and imprisoned at hard labor for 2 - 5 years without benefit of parole, probation, or suspension of sentence; if violating a discretionary order, fined not more than \$5,000 and imprisoned with or without hard labor not more than 3 years. Proposed law provides that service of the nondisclosure order to an offender is not required for the offender to be in violation of proposed law. Proposed law provides an affirmative defense to prosecution for the crimes outlined in proposed law that the material was a public record under current public records law at the time of the commission of the offense.

| <b>EXPENDITURES</b> | <b>2017-18</b> | <b>2018-19</b> | <b>2019-20</b> | <b>2020-21</b> | <b>2021-22</b> | <b>5 -YEAR TOTAL</b> |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd.      | SEE BELOW      |                      |
| Agy. Self-Gen.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Ded./Other          | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Federal Funds       | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Local Funds         | SEE BELOW      |                      |
| <b>Annual Total</b> |                |                |                |                |                |                      |

| <b>REVENUES</b>     | <b>2017-18</b> | <b>2018-19</b> | <b>2019-20</b> | <b>2020-21</b> | <b>2021-22</b> | <b>5 -YEAR TOTAL</b> |
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| Federal Funds       | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Local Funds         | SEE BELOW      |                      |
| <b>Annual Total</b> |                |                |                |                |                |                      |

**EXPENDITURE EXPLANATION**

Proposed law may increase SGF and local funds expenditures by an indeterminable amount. The proposed legislation creates two new crimes, a felony and a relative felony, associated with violation of a nondisclosure order where issuance of the order is mandatory or discretionary pursuant to Article 729.8(A)(1) and (2) included in proposed law. Furthermore, the proposed law contains language allowing for penalties in the event a person is held in contempt of court, which may result in an increase in local funds expenditures.

Violators of mandatory nondisclosure orders, a felony, would be remanded to the custody of the Dept. of Public Safety & Corrections (DPS&C) for 2 -5 years and housed in a state facility if convicted, as well as potentially fined no more than \$10,000. To the extent this occurs, DPS&C would realize an increase in expenditures of \$51.90 per day, or \$18,943.50 annually (\$51.90 per day x 365 days). Violators of discretionary nondisclosure orders, a relative felony, would be remanded to DPS&C custody up to 3 years and housed in either state or local facilities, as well as potentially fined no more than \$5,000. In the event offenders are housed in state facilities, DPS&C would realize an annual increase in SGF expenditures of \$18,943.50 (\$51.90 per day x 365 days) and \$8,902.35 (\$24.39 per day x 365 days) if housed in a local facility. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

Because the proposed law creates two new crimes and the number of potential violators is unknown, the associated expenditure increase is indeterminable.

Furthermore, proposed law contains provisions allowing for violators of Code of Criminal Procedure (CCP) Article 729.8(B)(3), a new section of law, to face penalties for being held in contempt of court. To the extent this occurs, violators may be fined various amounts by the court, as well as remanded to a local prison facility for terms of not more than 6 months. As a result, local expenditures would increase if persons are held in contempt of court and sentenced to imprisonment.

**REVENUE EXPLANATION**

Proposed law may increase revenues for local government authorities by an indeterminable amount. The proposed legislation includes fines of up to \$5,000 for violation of a discretionary nondisclosure order and fines of up to \$10,000 for violation of a mandatory nondisclosure order. To the extent violations of nondisclosure orders occur, revenues derived from fines would accrue to local governmental entities. Because the number of penalties and associated fine amounts are unknown, the potential revenue increase is indeterminable. Furthermore, fines resulting from persons being held in contempt of court would accrue to local government authorities.

Senate Dual Referral Rules  
 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}  
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

House  
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}  
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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