

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 79** HLS 18RS 539

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: March 18, 2018 9:41 AM	Author: MACK
Dept./Agy.: Corrections	Analyst: Monique Appeaning
Subject: Abuse of Person with Infirmities	

CRIME OR SEE FISC NOTE GF EX Page 1 of 1
Creates the crime of abuse of persons with infirmities through electronic means and provides for criminal penalties and exceptions

Proposed law creates the crime of abuse of persons with infirmities through electronic means and provides for criminal penalties, exceptions, definitions, and related matters. Proposed law describes this crime as the use of any camera, videotape, photo-optical, photo-electric, unmanned aircraft system, or any other image recording device for the purpose of observing, viewing, photographing, filming, or videotaping a person who is infirm, has a disability, or is aged and who is incapable of consenting to the electronic recording due to either of the following: (a) sixty-five years of age or older, or (b) unsoundness of mind, stupor, abnormal condition of the mind, or other mental or developmental disability, regardless of the age of the victim. Proposed law explains this crime as the transfer of an image obtained by any activity described above by live or recorded telephone message, electronic mail, the internet, or a commercial online service with the malicious and willful intent to embarrass, shame, harass, coerce, abuse, torment, or intimidate, regardless of whether the victim has knowledge of the transfer.

EXPENDITURES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

REVENUES	2018-19	2019-20	2020-21	2021-22	2022-23	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

Proposed law may result in an indeterminable increase in SGF expenditures for the Department of Public Safety and Corrections - Corrections Services if a person is convicted for a second or subsequent offense of abusing persons with infirmities through electronic means. The maximum imprisonment term imposed is three years at hard labor without benefit of parole, probation, or suspension of sentence. SGF expenditures will increase by \$54.21 per offender per day if an offender is housed in a state facility or \$24.39 for a state offender housed in a local facility. An offender sentenced to the custody of the Department of Public Safety and Corrections - Correction Services for one year would increase SGF expenditures by \$19,786.65 (\$54.21 per day x 365 days) if housed in a state facility 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.

A first conviction is a misdemeanor and would result in an indeterminable increase in expenditures for local governing authorities if a person is convicted of abusing persons with infirmities through electronic means. The maximum imprisonment term is six (6) months at the local level.

Proposed law provides an additional charge for District Attorneys (DAs) to consider when examining evidence related to the arrest of individuals suspected of committing or being involved in the commission of certain crimes related to abuse of persons with infirmities through electronic means. The potential expenditure impact is indeterminable as the number of offenders that DAs may decide to prosecute under proposed law in lieu of prosecuting under existing statutes is unknown. The potential net effect on sentencing decisions cannot be determined and the potential cost impact is therefore unknown.

REVENUE EXPLANATION

The proposed law may result in an indeterminable increase in local funds revenue as a result of potential fines for the crime of abuse of persons with infirmities. The maximum fines assessed are: first offense - \$1,000 and second or subsequent offenses - \$2,000. The potential revenue will accrue to the local governing authority. The potential net effect on sentencing decisions cannot be determined and the potential revenue impact is therefore unknown.

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}

Evan Brasseaux
Evan Brasseaux
Staff Director