

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



Fiscal Note On: **HB 197** HLS 20RS 453

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> March 11, 2020 5:02 PM	<b>Author:</b> ZERINGUE
<b>Dept./Agy.:</b> Statewide	<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Crime of Unauthorized Entry of a Critical Infrastructure	

CRIME OR SEE FISC NOTE GF EX Page 1 of 1  
Provides relative to the crime of unauthorized entry of a critical infrastructure

Proposed law amends and reenacts present law pertaining to critical infrastructure by adding water control structures, including floodgates or pumps stations. Proposed law provides for specific criminal penalties for whoever commits the crime of unauthorized entry of a critical infrastructure during the existence of a state of emergency, which has been declared pursuant to law by the governor or the chief executive officer of any parish.

<b>EXPENDITURES</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>						
<b>REVENUES</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections - Corrections Services (DPSC - CS) if a person is convicted of the crime unauthorized entry of a critical infrastructure when it involves water control structures, including floodgates or pumps stations. Proposed law provides a maximum imprisonment term of fifteen years at hard labor without benefit or probation, parole or suspension of sentence if this crime occurs during the existence of a state of emergency, which has been declared pursuant to law by the governor or the chief executive officer of any parish. The number of individuals that may be convicted of this crime is indeterminable.

SGF expenditures will increase by \$67.44 per offender per day if an offender is housed in a state facility or \$26.39 for a state offender housed in a local facility. An offender sentenced to the custody of the DPSC - CS for one year would increase SGF expenditures by \$24,615.60 (\$67.44 per day x 365 days) if housed in a state facility and \$9,632.35 (\$26.39 per day x 365 days) if housed in a local facility. Approximately 50% of state offenders are housed in state facilities and approximately 50% are housed in local facilities.

*NOTE: DPSC - CS reports that there are currently two (2) offenders in its custody serving time for unauthorized entry of a critical structure. In 2019 there was one admission and one release. There is no information stating if these offenses occurred during a declared state of emergency.*

**REVENUE EXPLANATION**

Proposed law may result in an indeterminable increase in Local Funds revenues as a result of potential fines for the crime unauthorized entry of a critical infrastructure when it involves water control structures, including floodgates or pumps stations. The maximum fine for this crime is \$1,000.

Proposed law may result in an indeterminable increase in Local Funds revenues as a result of potential fines for this crime if it occurs during the existence of a state of emergency, which has been declared pursuant to law by the governor or the chief executive officer of any parish. The maximum fine for this crime is \$10,000.

The number of individuals that may be convicted of this crime is indeterminable.

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**