

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 9** HLS 202ES 50

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: October 18, 2020 2:29 PM	Author: MCCORMICK
Dept./Agy.: Corrections/Local Courts/District Attorneys	Analyst: Rebecca Robinson
Subject: Immunity from civil liability and criminal prosecution	

LIABILITY RE SEE FISC NOTE LF EX See Note Page 1 of 1
Provides immunity from civil liability and criminal prosecution for certain persons during declared emergencies (Items #2, 28, and 60)

Proposed legislation provides that no person shall be liable for a criminal penalty, fine, or other monetary penalty and shall not be confined to a jail for attending a church service or other religious assembly during a declared state of emergency. The proposed legislation shall apply to all actions, charges, or claims pending on or filed after the effective date of the legislation.

Effective upon signature of the Governor.

EXPENDITURES	2020-21	2021-22	2022-23	2023-24	2024-25	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						

REVENUES	2020-21	2021-22	2022-23	2023-24	2024-25	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

There is a potential expenditure impact to local Clerks of Court, District Attorney's offices, and local law enforcement as those entities would no longer have to expend funds for certain criminal prosecutions. The LFO is aware of one instance where an individual is facing criminal prosecution related to violating the Governor's Emergency Orders regarding COVID-19 and has requested information from the 19th Judicial District Court (JDC) Clerk of Court's office and the East Baton Rouge District Attorney's office as to the costs incurred to date. However, the LFO has not received any information at the time of this writing. Given the limited nature of the restrictions which only apply during emergency situations and the actual number of these prosecutions, impacts are not anticipated to be material.

Proposed law may result in a Local Funds expenditure impact to the extent elimination of imprisonment for a misdemeanor charge results in a net decrease of days imprisoned statewide. The total expenditure impact is indeterminable and not anticipated to be significant.

REVENUE EXPLANATION

There is a potential revenue impact to local Clerks of Court, District Attorney's offices, and local law enforcement as these offices may no longer receive fines or costs assessed as a result of a conviction in certain criminal prosecutions. However, given the limited nature of the restrictions which only apply during emergency situations and the actual number of these prosecutions; impacts are not anticipated to be material.

For informational purposes, the 19th JDC Clerk's office reports that court courts in the 19th JDC are \$235.25 for misdemeanors and \$414.74 for felonies. Misdemeanor fines can range from \$0-\$500 and felony fines can range in excess of \$500.

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}

Alan M. Boxberger
Alan M. Boxberger
Staff Director