

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 394** HLS 21RS 881

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 15, 2021	9:30 AM	Author: RISER
Dept./Agy.: Higher Education		Analyst: Tim Mathis
Subject: Mandatory Reporting of Sexual Misconduct		

HIGHER EDUCATION

OR SEE FISC NOTE GF EX

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Provides for mandatory reporting of sexual misconduct at postsecondary education institutions and requires such institutions to post reports relative to campus security policies and campus crime statistics on their websites

Proposed legislation requires each employee of a post-secondary education institution that is eligible for participation in the Taylor Opportunity Program for Students (TOPS) to report any incident of sexual misconduct to the campus Title IX coordinator, or a law enforcement agency if the campus does not have a Title IX coordinator. Imposes penalties for failure to report and requires institutions to provide training. Requires institutions to publish a quarterly security report including updated security policies and certain campus crime statistics in a prominent location on its website. Requires the Board of Regents (BOR) to monitor institution websites for compliance and to notify House and Senate Committees on Education upon the first failure to comply; upon the second failure to comply, BOR shall apply a 10% reduction in TOPS payments to the institution; and each subsequent failure shall result in an additional 10% reduction. Further provides that any person may commence a suit in the district court of a parish in which a campus failed to report for the issuance of a writ of mandamus or injunctive or declaratory relief to require compliance, as well as reasonable attorney fees and costs.

EXPENDITURES	2021-22	2022-23	2023-24	2024-25	2025-26	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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	2021-22	2022-23	2023-24	2024-25	2025-26	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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 will be an increase in expenditures for some institutions to publish quarterly security reports, provide additional training, and to update current policies and procedures to comply with the proposed legislation, however any additional requirements will likely be administered by existing staff and resources with minimal costs.

The proposed legislation creates a misdemeanor for failure to report sexual misconduct or falsely reporting sexual misconduct, with a maximum fine of \$500, imprisonment for six months, or both; therefore, local law enforcement agencies may realize an indeterminable increase in expenditures associated with imprisonment costs. The cost increase will depend on the number of persons convicted, the minimum sentence an offender serves, and the cost per day for a local law enforcement agency to incarcerate an offender.

To the extent an institution should fail to meet statutory reporting requirements on a second or greater occurrence, this measure would require a decrease in TOPS payments by a cumulative 10% per failure. In such an event, the Office of Student Financial Assistance (OSFA) would experience a decrease in expenditures.

Institutions may realize increased expenditures if an individual files suit in district court and secures a writ of mandamus or injunctive or declaratory relief to require compliance, which will also require payment of attorney fees and court costs.

REVENUE EXPLANATION

To the extent an institution should fail to meet statutory reporting requirements on a second or greater occurrence, this measure would require a decrease in TOPS payments by a cumulative 10% per failure. In such an event, the institution would experience a decrease in self-generated revenues.

There may be an indeterminable increase in local funds revenue as a result of potential fines if a person is convicted of failure to report sexual misconduct or falsely reporting sexual misconduct, with a maximum fine of \$500. The potential revenue will accrue to the governmental entities.

Senate
 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

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