



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **SB 371** SLS 24RS 532
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.: **REVISED**

Date: April 22, 2024	10:14 AM	Author: BARROW
Dept./Agy.: Corrections		
Subject: Surgical Castration of Certain Sex Offenders		Analyst: Daniel Druilhet

CRIME/PUNISHMENT EG SEE FISC NOTE GF EX Page 1 of 2
 Provides for surgical castration of persons convicted of certain crimes when the victim is under the age of thirteen. (8/1/24)

Proposed law provides for the surgical castration of certain sex offenders; provides that upon any conviction of any sex offense occurring on or after 8/01/24, when the victim is under the age of 13 at the time of the offense, in addition to any other sentence imposed for the offense, the court may sentence the offender to be surgically castrated, to be administered by the Department of Public Safety and Corrections (DPS&C) by a licensed physician; provides that DPS&C shall provide services necessary to perform the surgical castration; provides that an order of surgical castration shall be contingent upon a determination by a court appointed medical expert that the defendant is an appropriate candidate for surgery, and that the determination shall not be made no more than 60 days from the imposition of sentence; provides that in all cases involving a defendant sentenced to a period of incarceration, the surgical castration procedure shall be performed no later than one week prior to the defendant's release from incarceration; provides that any defendant that fails to appear for the procedure as required by court order shall be charged with the violation and imprisoned for no less than 3 nor more than 5 years without benefit of probation, parole, or suspension of sentence.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total						
REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	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	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety & Corrections - Corrections Services (DPS&C-CS) and may result in an indeterminable increase in SGF expenditures in the Louisiana Department of Justice (Office of the Attorney General).

Department of Public Safety & Corrections-Correction Services

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety & Corrections - Corrections Services (DPS&C-CS), to the extent that the agency assumes the financial obligation for surgical castration procedures for those convicted of sex offenses against victims under the age of 13 at the time of the offense. Proposed law allows a judge to, within his discretion, in addition to any other penalties provided by law, subject any person convicted of a sex offense against a victim under the age of 13 at the time of the offense to be subject to a surgical castration procedure. DPS&C-CS reports that the proposed legislation would require the agency to provide the services necessary to complete the surgical procedure by a licensed physician, if medically appropriate, and cost the State a total of \$550-\$680 per offender. The exact fiscal impact to expenditures is unknown, because proposed law is effective 8/01/24, and there is no way to determine the number of offenders who will be convicted of a sex offense of a victim under the age of 13 and thereafter be subject to a castration procedure in the future.

For informational purposes, DPS&C-CS reports that there are currently 2,224 offenders in State custody who have been convicted of a sex offense against a victim under the age of 13 at the time of the offense, and that over the past three years, there has been an annual average of 385 admissions for those convicted of sex offenses against victims under the age of 13. If this trend were to continue, annual expenditures related to subjecting these offenders to a surgical castration procedure would begin to exceed \$100,000 with the admission of 147 to 181 offenders convicted of a sex offense against a victim under the age of 13 each year.


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REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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}


Patrice Thomas
Deputy Fiscal Officer



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CONTINUED EXPLANATION from page one:

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Proposed law may result in an indeterminable increase in SGF expenditures in DPS&C-CS, to the extent that any sex offender is convicted and subject to a sentence of imprisonment of no less than three nor more than five years at hard labor, without the benefit of probation, parole, or suspension of sentence, for failure to appear for a surgical castration procedure after being required by court order. The exact fiscal impact of the proposed law to DPS&C-CS is indeterminable, as it creates a crime, and it is not known how many people will be convicted and subsequently sentenced nor the length of the sentences of imprisonment assessed as a result of its enactment.

For illustrative purposes, SGF expenditures will increase by \$107.60 per offender per day to the extent that an offender is convicted, sentenced, and then subsequently housed in a state facility or \$26.39 per offender per day for an offender housed in a local facility. Corrections Services reports that impacts on offender populations are anticipated to affect the number of offenders held in local facilities. Corrections Services reports that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

Department of Justice

The proposed legislation may result in an indeterminable increase in Statutory Dedication expenditures out of the Department of Justice Legal Support Fund in the Department of Justice (Attorney General) as a result of defending the State in anticipated lawsuits that challenge the proposed legislation. Assuming there is a constitutional challenge to the proposed law, the Attorney General anticipates that it will be required to provide a constitutional defense, which will involve incurring no less than \$150,000 in costs for outside counsel, expert witnesses, as well as costs related to general litigation. The exact fiscal impact to the Department of Justice is indeterminable, as there is no way to determine the number of constitutional challenges that may arise with proposed law's enactment, or the number or duration of appeals related to any anticipated litigation.

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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