

LEGISLATIVE FISCAL OFFICE

Fiscal Note



Fiscal Note On: **HB 28** HLS 051ES 169
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Sub. Bill For.:
 Proposed Amd.:

Date: November 22, 2005 1:45 PM	Author: MARTINY
Dept./Agy.: Law enforcement agencies	Analyst: Kristy Freeman
Subject: Liability during emergencies and disasters	

LAW ENFORCEMENT EN DECREASE LF EX See Note Page 1 of 1
 Limits liability of law enforcement agencies to prison detainees (Item #69)

The proposed legislation provides that no person shall have a cause of action against any law enforcement agency or officer based on his detention in a parish prison or local jail for a period of time in excess of that required by the Code of Criminal Procedure or Title 15 of the Louisiana Revised Statutes of 1950 when the failure to release was due to the effects of Hurricane Katrina or Rita.

EXPENDITURES	<u>2005-06</u>	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u>	<u>2009-10</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
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	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

REVENUES	<u>2005-06</u>	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u>	<u>2009-10</u>	<u>5 -YEAR TOTAL</u>
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed legislation may result in a decrease in future expenditures that may occur in the absence of this bill. This legislation provides that no person shall have a cause of action against any law enforcement agency based on his detention for a period of time in excess of that required, when the failure to release was due to the effects of Hurricane Katrina or Rita. Legislation will limit the exposure and liability of political subdivisions. A specific estimate of that exposure would be speculative, since the number of cases and amounts recoverable are unknown.

Reductions in Office of Risk Management exposure and expenses can result in lower state general fund and other means-of-finance expenses, since ORM is ultimately funded by charges to government agencies.

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 >= \$500,000 Annual Fiscal Cost

House
 6.8(F) >= \$500,000 Annual Fiscal Cost

13.5.2 >= \$500,000 Annual Tax or Fee Change

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease

Robert E. Hosse
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LFO Staff Director