

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 226** HLS 13RS 792

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 6, 2013	7:54 AM	Author: RICHARD
Dept./Agy.: Corrections		Analyst: Stephanie C. Blanchard
Subject: Crime		

CRIME/SEX OFFENSES OR INCREASE GF EX See Note Page 1 of 1
Creates the crime of prohibited sexual contact between a psychotherapist and a client or patient

Proposed law prohibits any psychotherapist, or any person who fraudulently represents himself as or purports to be a psychotherapist, to engage in sexual contact with either a client or patient or a former client or patient when the relationship was terminated primarily for the purpose of engaging in the sexual contact. Provides penalties including imprisonment for not more than 10 years, fined not more that \$10,000, or both. Provides definition for "therapeutic deception" and provides penalties for violators including imprisonment for not more than 15 years, fined not more than \$20,000, or both.

EXPENDITURES	2013-14	2014-15	2015-16	2016-17	2017-18	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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>	\$0
Annual Total						
REVENUES	2013-14	2014-15	2015-16	2016-17	2017-18	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

The proposed legislation may result in an indeterminable increase in state general fund expenditures if a defendant is convicted of prohibited sexual contact by a psychotherapist. The exact fiscal impact of the passage of this legislation is indeterminable, since the legislation creates a new crime and it is not known how many individuals will be convicted of the crime. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by \$24.39 per day per offender in local facilities. Therefore, for any offender convicted of this crime, it would cost the state \$8,902 annually (1 offender x \$24.39 per day x 365 days).

To the extent that offenders are sentenced and housed in state facilities, the cost per day per offender is \$47.74. Therefore, for any offender convicted of this crime, it would cost the state \$17,425 annually (1 offender x \$47.74 per day x 365 days).

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure. Any revenue generated through the imposition of fines created by this legislation would accrue to local government entities.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}		<input type="checkbox"/> 6.8(F) >= \$500,000 Annual Fiscal Cost {S}
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
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Staff Director