

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 254** HLS 16RS 41

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

| | | |
|---|---------|-----------------------------------|
| Date: April 28, 2016 | 8:55 AM | Author: HAVARD |
| Dept./Agy.: Corrections | | Analyst: Monique Appeaning |
| Subject: Electronic Tracking Devices | | |

CRIMINAL/PROCEDURE

RE INCREASE GF EX See Note

Page 1 of 1

Provides with respect to certain electronic tracking devices

Proposed law creates the crime of unlawful use of a cellular tracking device. A cellular tracking device mimics a cell tower providing cell phone services and downloads or copies the personal information of cell phone users. Makes exceptions for law enforcement and investigative officers, telecommunications employees, and FCC employees in the performance of their duties. Proposed law provides penalties of a fine of not more than \$3,000, imprisonment with or without hard labor for not more than two years, or both. Present law provides procedures for law enforcement and investigative officers to obtain warrants from the court to use a trap and trace device or pen register (wire tapping equipment). Proposed law retains present law and adds similar provisions for the use of cellular tracking devices.

| EXPENDITURES | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 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 | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 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

This legislation may result in an indeterminable increase in state general fund expenditures if a defendant is charged with unlawful use of a cellular tracking device. The maximum imprisonment is two (2) years with or without hard labor.

SGF expenditures will increase by \$51.68 per offender per day if offenders are housed in state facilities and \$24.39 for state offenders housed in local facilities. Offenders sentenced to the custody of the Department of Public Safety and Corrections - Correction Services for one year would increase SGF expenditures by \$18,863 (\$51.68 per day x 365 days) if housed in a state facility and \$8,902 (\$24.39 per day x 365 days) if housed in a local facility. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

To the extent an offender serves the maximum of two (2) years, the cost in a state facility would be \$37,726 (1 offender x \$18,863 per year x 2 years) or \$17,804 (1 offender x \$8,902 per year x 2 years) if a state offender is housed in a local facility.

REVENUE EXPLANATION

The proposed legislation may result in an indeterminable increase in local funds revenue if an offender is charged with unlawful use of a cellular tracking device. The maximum fine assessed is \$3,000. The potential revenue will accrue to the local governing authority.

Senate Dual Referral Rules House

13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

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

Evan Brasseaux

Evan Brasseaux
Staff Director