

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **SB 211** SLS 17RS 300  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> April 10, 2017 5:06 PM	<b>Author:</b> SMITH, G.
<b>Dept./Agy.:</b> Corrections	<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Crime of Engaging in Contracting Without Authority	

CRIME/PUNISHMENT OR INCREASE GF EX See Note Page 1 of 1  
 Creates the crime of engaging in life safety and property protection contracting without authority. (8/1/17)

Proposed law amends and reenacts R.S. 40:1563.1(A)(20) and (C), (D), and (E) and enacts R.S. 14:206.1 and R.S. 40:1563.1(A)(21) and (F), relative to life safety and property protection contracting. It creates the crime of life safety and property protection contracting without authority, provide for the elements of the crime, certain penalties, authority of the fire marshal to investigate the crime, and for related matters.

<b>EXPENDITURES</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	SEE BELOW					
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<b>Annual Total</b>						
<b>REVENUES</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

Proposed law will result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services if a defendant is convicted of engaging in life safety and property protection contracting without authority as defined in R.S.40:1663, and does not hold an active license as required by R.S. 40:1664.4 and causes harm or damage to another in excess of five hundred dollars. The maximum imprisonment term is five (5) years, with or without hard labor.

SGF expenditures will increase by \$51.90 per offender per day if an offender is housed in a state facility or \$24.39 for a state offender housed in a local facility. An offender sentenced to the custody of the Department of Public Safety and Corrections - Correction Services for one year would increase SGF expenditures by \$18,943.50 (\$51.90 per day x 365 days) if housed in a state facility and \$8,902.35 (\$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 imprisonment term of five (5) years, the cost in a state facility would be \$94,717.50 (1 offender x \$18,943.50 per year x 5 years) or \$44,511.75 (1 offender x \$8,902.35 per year x 5 years) if a state offender is housed in a local facility.

Proposed law will also result in an indeterminable increase in expenditures for housing local offenders in local facilities if a defendant is convicted of a misdemeanor offense for engaging in life safety and property protection contracting without authority as defined in R.S.40:1663, and does not hold an active license as required by R.S. 40:1664.4. The maximum imprisonment term is ninety (90) days.

The Office of the State Fire Marshal reports proposed law is likely to reduce staff time dedicated to pursuing civil proceedings. This decrease will assist the agency to devote additional resources to its existing backlog of inspections and enforcement efforts. The agency reports approximately 100 cases could be referred in the first year for criminal conviction.

**REVENUE EXPLANATION**

Proposed law may result in an indeterminable increase to the Louisiana Life Safety and Property Protection Trust Fund as provided for in R.S. 40:1664.9(J). Proposed law establishes fines ranging from \$500 to \$5,000 to be assessed, collected and deposited into the aforementioned fund for a felony conviction. For a misdemeanor conviction, the fine assessed is not more than \$500 per day of the violation.

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}

*Evan Brasseaux*  
**Evan Brasseaux**  
**Staff Director**