

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



Fiscal Note On: **HB 237** HLS 18RS 738

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

|   |          |                                   |
|---|----------|-----------------------------------|
| <b>Date:</b> April 15, 2018                     | 12:19 PM | <b>Author:</b> LEOPOLD            |
| <b>Dept./Agy.:</b> Corrections                  |          | <b>Analyst:</b> Monique Appeaning |
| <b>Subject:</b> Pornography Involving Juveniles |          |                                   |

CRIMINAL/SENTENCING

RE INCREASE LF RV See Note

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Amends the criminal sentences and fines for convictions of pornography involving juveniles

Proposed law increases certain criminal penalties for the crime of pornography involving juveniles.

| <b>EXPENDITURES</b> | <b>2018-19</b> | <b>2019-20</b> | <b>2020-21</b> | <b>2021-22</b> | <b>2022-23</b> | <b>5 -YEAR TOTAL</b> |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd.      | SEE BELOW      | SEE BELOW      | SEE BELOW      | SEE BELOW      | SEE BELOW      |                      |
| Agy. Self-Gen.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Ded./Other          | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| 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><u>\$0</u></b>    |
| <b>Annual Total</b> |                |                |                |                |                |                      |
| <b>REVENUES</b>     | <b>2018-19</b> | <b>2019-20</b> | <b>2020-21</b> | <b>2021-22</b> | <b>2022-23</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          | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Federal Funds       | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Local Funds         | INCREASE       | INCREASE       | INCREASE       | INCREASE       | INCREASE       |                      |
| <b>Annual Total</b> |                |                |                |                |                |                      |

**EXPENDITURE EXPLANATION**

Proposed law will likely result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections - Corrections Services (DPSC) if a defendant is convicted for certain second or subsequent crimes of pornography involving juveniles. Proposed law establishes a minimum imprisonment term of ten years, at hard labor without benefit of probation, parole, or suspension of sentence for a second or subsequent crime of **intentionally possessing pornography involving juveniles**. Proposed law establishes a minimum imprisonment term of ten years, at hard labor without benefit of probation, parole, or suspension of sentence for a second or subsequent crime of **distribution or possession with the intent to distribute pornography involving juveniles**. Proposed law establishes imprisonment terms of minimum of twenty years and maximum of forty years for a second or subsequent conviction for the crime of **promotion, advertisement, or production of pornography involving juveniles**.

SGF expenditures will increase by \$54.21 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 \$19,786.65 (\$54.21 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.

**NOTE: Any potential significant expenditure impact would likely fall outside the five-year window of the fiscal note.**

**REVENUE EXPLANATION**

Proposed law will likely result in an indeterminable increase in local revenues if a defendant is convicted of pornography involving juveniles for certain offenses. Proposed law changes the maximum fine from ten thousand dollars to fifty thousand dollars if any parent, legal guardian, or custodian of a child consents to the participation of the child in pornography involving juveniles. Proposed law also changes the maximum fine from fifteen thousand dollars to fifty thousand dollars if a defendant is convicted of engaging in the promotion, advertisement, or production of pornography involving juveniles. Proposed law establishes a maximum fine of seventy-five thousand dollars for a second or subsequent conviction of promotion, advertisement, or production of pornography involving juveniles. The potential revenue will accrue to the local governing authority

NOTE: DPSC reports that in the last two years, there was an average of 5.5 admissions with a previous offense of pornography involving juveniles with an average sentence of 6.58 years. This includes second offense of distribution of or possession with intent to distribute juvenile pornography and second offense of promotion, advertisement, or production of child pornography.

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*  


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