

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 78** HLS 18RS 473

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 18, 2018	10:40 AM	Author: LANDRY, N.
Dept./Agy.: Corrections		Analyst: Monique Appeaning
Subject: Hazing		

CRIME/FELONIES EN SEE FISC NOTE GF EX See Note
Amends penalties relative to the crime of hazing

Present law (R.S. 17:1801) prohibits hazing and provides for penalties. Hazing in any form, or the use of any method of initiation into fraternal organizations in any education institution supported wholly or in part by public funds, which is likely to cause bodily danger or physical punishment to any student or other person attending any such institution is prohibited. Present law provides for a maximum fine of \$100, or a maximum imprisonment of thirty days, or both. Present law provides for individuals to be expelled from the education institution and not permitted to return during the current session or term in which the violation occurs.

Proposed law (R.S. 14:40.8) creates the crime of criminal hazing, provides for exceptions, definitions, and criminal penalties. Proposed law provides for certain consequences for certain acts of hazing.

EXPENDITURES	2018-19	2019-20	2020-21	2021-22	2022-23	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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						
REVENUES	2018-19	2019-20	2020-21	2021-22	2022-23	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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will likely result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections - Corrections Services if a person is convicted of criminal hazing when it results in serious bodily injury, death of the victim or results in the victim having a blood alcohol concentration of at least .30 percent by weight based on grams in or participated in the hazing of the victim. The maximum imprisonment term imposed is five (5) years, with or without hard labor.

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.

A conviction of hazing that was not the result of serious bodily injury or death of the victim is a misdemeanor and has an indeterminable increase in expenditures for local governing authorities. The maximum imprisonment term is six (6) months at the local level.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local funds revenue as a result of potential fines for the crime of criminal hazing. The maximum fines assessed are \$1,000 for any individual who engaged in or participated in hazing and \$10,000 when hazing results in the serious bodily injury, death of the victim or if it involves forced or coerced alcohol consumption that results in the victim having a blood alcohol concentration of at least .30 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood. The potential revenue will accrue to the local governing authority.

Proposed law may result in an indeterminable increase in local funds revenue as a result of potential fines if any person serving as a representative or officer of an organization, including any representative, director, trustee, or officer of any national or parent organization of which any of the underlying entities provided for in proposed law is a sanctioned or recognized member at the time of hazing, knew and failed to report to law enforcement that one or more of the organization's members were hazing of another person, the organization may be. The maximum fine assessed is \$10,000. Proposed law also provides that organizations to which the person who engaged in or participated in the hazing activity belongs may be subject to forfeiture of any public funds received by the organization or forfeiture of all rights and privileges of being an organization that is organized and operating at the education institution for a specific period of time as determined by the court.

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}

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