



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 238** HLS 21RS 810
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

| | | |
|---|---------|----------------------------------|
| Date: April 12, 2021 | 8:27 AM | Author: MOORE |
| Dept./Agy.: Corrections | | Analyst: Rebecca Robinson |
| Subject: Creates crime: intentional exposure to STDs | | |

CRIME/SEX OFFENSES OR INCREASE GF EX See Note Page 1 of 1
 Creates the crimes of felony and misdemeanor intentional exposure to a sexually transmitted disease

Proposed legislation creates the crime of felony intentional exposure to a sexually transmitted disease, provides for affirmative defenses, and provides for penalties. Proposed legislation also creates the crime of misdemeanor intentional exposure to a sexually transmitted disease and provides for penalties.

| EXPENDITURES | 2021-22 | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 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 | 2021-22 | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 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

There will be an indeterminable increase in SGF expenditures to the Department of Public Safety & Corrections - Corrections Services (DPS&C) to the extent a person is convicted of felony intentional exposure to a sexually transmitted disease. The exact fiscal impact 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 DPS&C increases SGF expenditures of \$26.39 per day per offender in adult local housing and \$67.36 per day per offender in a state facility. Any offender convicted of this crime would cost DPS&C \$9,632 annually (\$26.39 per day per offender x 365 days) per offender in adult local housing and \$24,586 annually (\$67.36 per day per offender x 365 days) per offender in a state facility.

Penalties for conviction of felony intentional exposure to a sexually transmitted disease range from a fine of \$5,000 to \$20,000 and incarceration from 5 years to 99 years, depending on the age of the perpetrator and the age of the victim.

There is no direct material effect on DPS&C expenditures if a person is convicted of misdemeanor intentional exposure to a sexually transmitted disease. This crime is a misdemeanor; therefore, these offenders are not sentenced to DPS&C. Local law enforcement agencies may realize an indeterminable increase in expenditures associated with prison costs. The cost increase will depend on the number of persons convicted, the minimum sentence an offender serves, and the cost per day for a local law enforcement agency to incarcerate an offender.

REVENUE EXPLANATION

There may be an indeterminable increase in local funds revenue as a result of potential fines if a person is convicted of felony intentional exposure to a sexually transmitted disease, with a potential maximum fine of \$20,000. The potential revenue will accrue to local government entities.

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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