



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 395** HLS 21RS 842
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 21, 2021	11:03 AM	Author: ROMERO
Dept./Agy.: Corrections		
Subject: Unlawful posting of criminal activity		Analyst: Rebecca Robinson

CRIME OR INCREASE GF EX See Note Page 1 of 1
 Provides relative to the unlawful posting of criminal activity

Present law provides that it is unlawful for a person who is either a principal or accessory to a crime to obtain an image of the commission of the crime and to post the image online, and provides for a fine of not more than \$500 and imprisonment for not more than six months, or both. Proposed law enhances the penalties to a fine of not more than \$2,000 and imprisonment with or without hard labor for not more than eight years, or both, when the criminal activity results in serious bodily injury or death of the victim.

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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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 may be an indeterminable increase in SGF expenditures to the Department of Public Safety & Corrections - Corrections Services (DPS&C) if a person is convicted of the unlawful posting of criminal activity for notoriety and publicity where the criminal activity results in serious bodily injury or death of the victim. The exact fiscal impact of the passage of this legislation is indeterminable, since the legislation creates an enhancement of an existing crime and it is not known how many individuals will receive the enhanced penalties. 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 these crimes 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.

If a person is convicted and receives the enhanced penalties, the maximum time of incarceration is 8 years. The maximum increase to the SGF would be \$77,056 per offender (\$9,632 annually per offender x 8 years) in adult local housing and \$196,688 per offender (\$24,586 annually per offender x 8 years) in a state facility.

REVENUE EXPLANATION

There may be an indeterminable increase in local funds revenue as a result of potential fines if a person is convicted and receives the enhanced penalties. The maximum fine is \$2,000 and the potential revenue will accrue to the 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}

Alan M. Boxberger
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Staff Director