



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **SB 64** SLS 22RS 201
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

| | |
|---|----------------------------------|
| Date: March 21, 2022 4:46 PM | Author: CONNICK |
| Dept./Agy.: Crimes | Analyst: Rebecca Robinson |
| Subject: Crimes of violence and sex offenses | |

CRIME/PUNISHMENT OR SEE FISCAL NOTE Page 1 of 1
 Provides relative to crimes of violence and sex offenses. (8/1/22)

Proposed legislation adds three crimes to the list of "crimes of violence": aggravated kidnapping of a child; molestation of a juvenile or a person with a physical or mental disability; and sexual battery of persons with infirmities. Adds an element to first degree rape: when the offender commits the act when engaged in the perpetration or attempted perpetration of any violation of R.S. 14:60 - 62.47, relative to burglary offenses. Provides definitions or clarifying language in the statutes concerning first degree rape, oral sexual battery, aggravated kidnapping of a child, and sexual battery of persons with infirmities. Revises the Code of Criminal Procedure to add to the list of responsive verdicts for first degree rape. Creates responsive verdicts for second degree kidnapping when victim is sexually abused and aggravated kidnapping of a child when victim is sexually abused. Revises the Code of Evidence regarding the victim's attire in sexual assault cases.

| EXPENDITURES | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27 | 5 -YEAR TOTAL |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd. | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| 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 | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27 | 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 | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Annual Total | | | | | | |

EXPENDITURE EXPLANATION

There may be an indeterminable increase in the expenditures of the Department of Public Safety & Corrections - Corrections Services (DPS&C) as a result of the proposed legislation. With the proposed legislation, a person convicted of one of the three crimes now classified as a crime of violence may experience enhanced penalties or time served. There may also be an increase in convictions of rape, first degree rape, second degree sexual battery, or sexual battery of a person with infirmities with the proposed expansion of mechanisms by which the crime may be committed. There may be increased convictions of first degree rape with the additional element. There may also be an increase in convictions of oral sexual battery with the removal of the exception of a victim who is the spouse of the offender.

Any individual convicted under the proposed legislation and sentenced to hard labor shall be in the custody of DPS&C, which will increase SGF expenditures of \$26.39 per day per offender in adult local housing and \$83.23 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 \$30,379 annually (\$83.23 per day per offender x 365 days) per offender in a state facility.

Any individual convicted under the proposed legislation and sentenced without hard labor will not be in the custody of DPS&C, but rather a local jail. Local law enforcement agencies will 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 this new crime. The potential revenue will accrue to the local government entities.

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| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H} | | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H} | | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

Evan Brasseaux

Evan Brasseaux
 Interim Deputy Fiscal Officer