



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 706** HLS 22RS 845
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: March 22, 2022 10:48 AM	Author: STEFANSKI
Dept./Agy.: Corrections	
Subject: Creates the crime of menacing	Analyst: Rebecca Robinson

CRIME OR INCREASE GF EX See Note Page 1 of 1
 Creates the crime of menacing

Proposed legislation adds the crime of menacing to the statute on terrorizing (R.S. 14:40.1) and imposes penalties. Adds menacing to the list of hate crimes in R.S. 14:107.2. Adds responsive verdicts for terrorizing to the Code of Criminal Procedure.

EXPENDITURES	2022-23	2023-24	2024-25	2025-26	2026-27	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	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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						

EXPENDITURE EXPLANATION

There will be an increase in the expenditures of the Department of Public Safety & Corrections - Corrections Services (DPS&C) to the extent a person is convicted of menacing and is sentenced to imprisonment at hard labor (a felony). The exact fiscal impact of the passage of this legislation is indeterminable, since it is not known how many individuals will be convicted the crime of menacing. 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 \$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. The maximum period of incarceration is 2 years. The maximum increase to the SGF would be \$19,264 per offender (\$9,632 annually per offender x 2 years) in adult local housing and \$60,758 per offender (\$30,379 annually per offender x 2 years) in a state facility.

There will be a further increase in the expenditures of DPS&C to the extent the conviction for menacing (as a felony) is also classified as a hate crime. An offender may receive an additional sentence of imprisonment for not more than 6 months and shall run consecutively to the sentence for the underlying offense.

There will be an increase in local expenditures to the extent a person is convicted of menacing and is sentenced to imprisonment without hard labor (a misdemeanor). The expenditure 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 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}

Evan Brasseaux
 Evan Brasseaux
 Interim Deputy Fiscal Officer