

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 94** HLS 23RS 394

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

REVISED

Date: April 24, 2023	7:53 AM	Author: BACALA
Dept./Agy.: Corrections		Analyst: Daniel Druilhet
Subject: Creates Crime of Theft or Criminal Access of an ATM		

CRIME/THEFT EG SEE FISC NOTE GF EX See Note
Provides relative to theft of automated teller machines

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Proposed law creates the crime of theft or criminal access of an automated teller machine (ATM). Proposed law (theft of an ATM) prohibits any person from misappropriating or taking an ATM which belongs to another, without consent of the other to the misappropriation or taking, by means of fraudulent practices, conduct, or representations with the intent to deprive the owner of the ATM permanently. Proposed law (criminal access of an ATM) prohibits any person from destroying, damaging, impairing, tampering with, or otherwise rendering inoperable an ATM belonging to another with the intent to steal currency or personal financial information of another, regardless of pecuniary loss.

Proposed law assesses the penalty for the violation of theft or criminal access of an ATM as imprisonment with or without hard labor for no less than five years nor more than ten years. Proposed law makes optional a fine equal to the amount of money contained in the ATM at the time of commission of the offense and any damages that resulted from the offense.

EXPENDITURES	2023-24	2024-25	2025-26	2026-27	2027-28	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	2023-24	2024-25	2025-26	2026-27	2027-28	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

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPSC – CS) if a person is convicted of theft or criminal access of an automated teller machine. The exact fiscal impact of the passage of this legislation is indeterminable, since it creates a new crime, and it is not known how many people will be convicted nor the length of the sentences assessed with those convictions as a result of its potential enactment.

SGF expenditures will increase by \$101.76 per offender per day to the extent that an offender is convicted and then subsequently housed in a state facility or \$26.39 per offender per day for an offender housed in a local facility. An offender sentenced to the custody of the DPSC – CS for one year would increase expenditures by \$37,142.40 (\$101.76 per day x 365 days) if housed in a state facility and \$9,632.35 (\$26.39 per day x 365 days) if housed in a local facility.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of potential fines for theft or criminal access of an ATM. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable because the fines imposed for theft or criminal access of an ATM are optional and equate to the amount of money contained in the ATM at the time of commission of the offense and any damages that result from the offense. Both fines may vary in instances in which offenders are convicted.

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