

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



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

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> April 27, 2023	1:30 PM	<b>Author:</b> BACALA
<b>Dept./Agy.:</b> Corrections		<b>Analyst:</b> Daniel Druilhet
<b>Subject:</b> Creates Crime of Theft or Criminal Access of an ATM		

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

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, with the intent to deprive the owner permanently of the ATM or its contents. 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 of not more than \$10,000 and restitution to the victim.

EXPENDITURES	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>						
REVENUES	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>2027-28</u>	<u>5 -YEAR TOTAL</u>
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Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						

**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 and restitution imposed for theft or criminal access of an ATM are optional, and fines and restitution 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*  


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**Evan Brasseaux**  
**Interim Deputy Fiscal Officer**