



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 299** HLS 23RS 742
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 15, 2023 4:45 PM	Author: MCCORMICK
Dept./Agy.: Law Enforcement Statewide	
Subject: Defense of the Second Amendment Act	Analyst: Patrice Thomas

WEAPONS/FIREARMS OR SEE FISC NOTE GF EX Page 1 of 1
 Provides relative to enforcement of federal firearm laws

Proposed law creates the Defense of the Second Amendment Act, which prohibits the enforcement of any federal act, law, executive order, administrative order, court order, rule, or regulation within the State of Louisiana that infringes on the right of people to keep and bear arms. Proposed law prohibits state employees, elected state official, or law enforcement officer from enforcing any federal act, law, executive order, administrative order, court order, rule, or regulation that infringes on the right of people to keep and bear arms. If violated, proposed law provides for imprisonment at hard labor for up to 5 years, permanently ineligible to serve as a law enforcement officer, and civilly liable with no qualified immunity as well as makes agency or political subdivision pay court costs and attorney fees. Proposed law prohibits Federal employees and Federal law enforcement officers from enforcing any federal act, law, executive order, administrative order, court order, rule, or regulation that infringes on the right of people to keep and bear arms. If violated, proposed law provides for imprisonment at hard labor for up to one year and civilly liable.

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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will likely result in an indeterminable increase in state expenditure in the Department of Public Safety and Corrections, Corrections Services (DPS&C-CS) and Public Safety Services (DPS), Office of State Police as well as an indeterminable increase in local expenditures within local District Attorneys and law enforcement agencies. The proposed law enacts the Defense of the Second Amendment Act, which prohibits and criminalizes enforcement of certain Federal acts, laws, executive orders, administrative orders, court orders, rules, and regulations related to firearms by active or retired law enforcement officers within the state. Also, the proposed law provides for imprisonment with hard labor of law enforcement officers that are convicted of violating the act.

Department of Public Safety and Corrections, Corrections Services (DPS&C - CS). The proposed law will likely result in an indeterminable increase in SGF expenditures within DPS&C - CS to the extent that a law enforcement officer is violating the Defense of the Second Amendment Act and subsequently imprisoned. The exact fiscal impact of the passage of this legislation is indeterminable, since it is not known how many law enforcement officers will be convicted. SGF expenditures will increase by \$101.76 per offender per day to the extent that an offender is convicted and then 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 DPS&C - 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.

Department of Public Safety and Corrections, Public Safety Services (DPS), Office of State Police - DPS reports the proposed law would require the LA State Police to update the current curriculum for cadet classes and training for current law enforcement officers. The costs of these updates are indeterminable. In addition, DPS reports the proposed law may negatively impact the State Police's ability to recruit new troopers and increase current staffing challenges as a result of potential and existing law enforcement officers who may decide not to serve in Louisiana.

Louisiana District Attorneys Association (LDAA) - The proposed law may result in an indeterminable expenditure increase for LDAA since it criminalizes certain law enforcement actions related to firearms. These crimes, which assume to be felonies, may create an increase in caseloads for local district attorneys. LDAA reports that it cannot estimate the fiscal impact because it is unable to determine how pervasive the described violations would be and the number of these cases that would be charged under this measure.

Local Sheriff's Offices and Municipal Police Departments - The proposed law would require local law enforcement agencies to update their training of new and existing officers. Similar to the LA State Police, the proposed law may negatively impact recruitment of new officers and retention of existing officers. However, the LFO has not received confirmation from any sheriff's office or police department of the impact of this proposed law.

REVENUE EXPLANATION

While the proposed law does not otherwise directly impact state or local governmental expenditures, this measure may impact the LA State Police's and local law enforcement agencies' ability to receive Federal grant awards. Currently, State Police has \$15 M in Federal Funds from direct or pass-through federal grant awards.

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