

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 207** HLS 23RS 596

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: June 7, 2023	4:20 PM	Author: SCHAMERHORN
Dept./Agy.: Corrections		Analyst: Daniel Druilhet
Subject: Crime of Unlawful Swimming in Certain Waterways		

CRIME/MISDEMEANOR EN SEE FISC NOTE GF EX See Note Page 1 of 1
Establishes penalties associated with minors swimming in certain waterways without personal flotation devices

Proposed law creates the crime of unlawful swimming in certain waterways, which makes it unlawful for any parent with care and control of a minor to permit a minor knowingly, willfully, or through criminal negligence to swim without wearing a Type I, Type II, Type III, or Type V personal flotation device approved by the United States Coast Guard in the portion of any river beginning from a water-controlled structure through which that river flows to a point seventy miles downstream when that structure creates a reservoir used to generate hydroelectric power; requires that the distance provided in proposed law shall be measured from the structure, along a line drawn downstream in the middle of the river bed.

Proposed law creates the penalty for violation of unlawful swimming in certain waterways as follows -- on first conviction, issuance of a warning ticket to the parent or legal guardian (PLG), a fine of not more than \$25, or both; on second conviction, a fine of not less than \$50 or imprisonment of the parent or legal guardian for not more than 7 days, or both; on third or subsequent conviction, a fine of not less than \$75 nor more than \$250 or imprisonment of the parent or legal guardian for not more than 30 days, or both.

EXPENDITURES	2023-24	2024-25	2025-26	2026-27	2027-28	5 -YEAR TOTAL
State Gen. Fd.	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					
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 parent is convicted of permitting a minor knowingly, willfully, or through criminal negligence to swim without wearing a Type I, Type II, Type III, or Type V personal flotation device approved by the United States Coast Guard in the portion of any river beginning from a water-controlled structure through which that river flows to a point seventy miles downstream when that structure creates a reservoir used to generate hydroelectric power. The exact fiscal impact of the passage of this legislation is indeterminable since it creates a new crime and makes optional the sentences of imprisonment. The exact fiscal impact of this legislation is also indeterminable because it is not known how many people will be convicted and subsequently sentenced or the lengths of those sentences if it is enacted.

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. Proposed law is a misdemeanor offense, and the maximum fiscal impact per offender per offense will vary depending upon whether the offense for which the offender was convicted resulted in a second or third or subsequent conviction (i.e. sentences of no more than 7 or 30 days).

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of potential fines for being convicted of unlawful swimming in certain waterways. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable because while fines imposed for conviction of the proposed legislation are mandatory, the amount assessed for each fine may fluctuate.

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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Interim Deputy Fiscal Officer