



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

Fiscal Note On: **SB 9** SLS 242ES 22  
 Bill Text Version: **ENGROSSED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.: **REVISED**

<b>Date:</b> February 28, 2024 9:41 AM	<b>Author:</b> MIZELL
<b>Dept./Agy.:</b> District Attorneys/Judiciary/Clerks	
<b>Subject:</b> Limitations of Prosecutions of Sex Offenses	<b>Analyst:</b> Daniel Druilhet

CRIMINAL PROCEDURE EG INCREASE GF EX See Note Page 1 of 1  
 Provides time limitations for the initiation of prosecution of certain sex offenses. (gov sig)(Item #22)

Current law allows the prosecution of any sex crime to be initiated outside of the existing time limitations when the identity of a suspect is established by DNA testing; provides that a prosecution for a sex crime initiated outside of the existing time limitation must commence within three years of when the identity of the suspect is established by DNA testing. Proposed law allows prosecution of any sex crime to be initiated outside of the current time limitations when the identity of a suspect is established using newly discovered photographic or video evidence; retains current law and adds that a prosecution for a sex crime initiated outside of the existing time limitation must commence within three years of when the identity of the suspect is established using newly discovered photographic or video evidence.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>	
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	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>	
<b>Annual Total</b>						
REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
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	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

The proposed law may result in an indeterminable increase in SGF expenditures, to the extent that there are additional convictions that arise from prosecutions for sex crimes initiated outside of the current time limitations. The exact fiscal impact to SGF expenditures is indeterminable, because there is no way to determine the number of offenders who will be convicted as a result of the change to present law and subsequently incarcerated.

SGF expenditures will increase by \$107.60 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 DPSC – CS for one year would increase expenditures by \$39,274 (\$107.60 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. In public testimony during the 2024 2<sup>nd</sup> ES, Corrections Services testified that impacts on offender populations are anticipated to impact the number of offenders held in local facilities. Corrections Services reports that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

The proposed law may result in an indeterminable increase in local expenditures, to the extent that it adds consideration of the discovery of two additional forms of evidence (photographic or video evidence) to the exception for when prosecutions can be initiated outside of the time limitations for a sex crime. Proposed law has the effect of allowing prosecutions previously subject to the time limitations imposed for a sex crime to be impacted by the discovery of new photographic and video evidence, which can lead to district attorneys resuming prosecutions outside of time limitations previously impacted by only DNA evidence. The exact fiscal impact to local expenditures is indeterminable because there is no way to determine how proposed law will impact either current or future cases within district attorneys’ offices throughout the state.

*Note: The LFO is working with the Louisiana District Attorneys’ Association and the Louisiana Clerks of Court Association to determine if whether this change to criminal procedure will impact any workload requirements related to the processing and prosecution of criminal offenses. This fiscal note will be updated once additional information is received.*

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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}

**Patrice Thomas**  
**Deputy Fiscal Officer**