



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 507** HLS 24RS 944
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: March 11, 2024 2:43 PM	Author: ZERINGUE
Dept./Agy.: Corrections and Sheriffs	
Subject: Unlawful Entry of a Critical Infrastructure	Analyst: Daniel Druilhet

CRIME OR SEE FISC NOTE GF EX Page 1 of 2
 Provides relative to the unlawful entry of a critical infrastructure

Current law provides the definition of unauthorized entry of a critical infrastructure; provides definition of critical infrastructure. Proposed law amends the definition of critical infrastructure to include water control structures including floodgates or pump stations; assesses a sentence of imprisonment of no less than 3 nor more than 15 years at hard labor, and a fine not more than \$5,000, for committing the crime of unauthorized entry of a critical infrastructure during the existence of a state emergency declared by the governor or chief executive officer of any parish; assesses a sentence of imprisonment of no less than 6 months nor more than 10 years, with or without hard labor, or a fine of no less than \$500 nor more than \$4,000, or both, for a second or subsequent conviction of unauthorized entry of a critical infrastructure during the existence of a state of emergency.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	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	2024-25	2025-26	2026-27	2027-28	2028-29	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 & Corrections - Corrections Services (DPS&C-CS), to the extent its enactment results in a higher number of offenders convicted of a first offense for unauthorized entry of a critical infrastructure during the existence of a state of emergency declared by the governor or chief executive officer of any parish. Proposed law expands the definition of critical infrastructure to include water control structures including floodgates or pump stations, which has the effect of expanding the circumstances under which violations of current law can occur, and adds a penalty of imprisonment for no less than 3 nor more than 15 years at hard labor for those convicted of unauthorized entry of a critical infrastructure during the existence of a state of emergency declared by the governor or the executive officer of any parish. The exact fiscal impact of the passage of this legislation is indeterminable, since it is not known how many people will be convicted or the length of sentences imposed on those who are convicted as a result of this change to present law.

For illustrative purposes, SGF expenditures will increase by \$107.60 per offender per day to the extent that an offender is convicted, sentenced, and then subsequently housed in a state facility. DPS&C-CS advises that impacts on offender populations are anticipated to impact the number of offenders held in local facilities, and that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities. For those convicted, sentenced, and then subsequently housed in a local facility, DPS&C-CS will sustain expenditures of \$26.39 per offender per day.


Proposed law may result in an indeterminable increase in Local Funds expenditures for local governing authorities or SGF expenditures to the Department of Public Safety & Corrections - Corrections Services (DPS&C-CS) if a person sustains a second or subsequent conviction for unauthorized entry of a critical infrastructure during the existence of a state of emergency. Proposed law is a relative felony, and any impact on either local or state expenditures is contingent on whether offenders sustain either misdemeanor or felony-grade convictions for its violation.

CONTINUED ON PAGE 2

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of potential fines for unauthorized entry of a critical infrastructure during the existence of a state of emergency. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable because the fines that would be imposed on second or subsequent convictions are optional, and the amount of the fines in all cases, if imposed, may vary. The potential revenue will accrue to the local governing authority.

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| <p><u>Senate</u></p> <p><input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}</p> <p><input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}</p> | <p><u>House</u></p> <p><input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}</p> <p><input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}</p> |
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Patrice Thomas
 Deputy Fiscal Officer



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CONTINUED EXPLANATION from page one:

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To the extent that offenders sustain a second or subsequent felony-grade conviction for violation of the proposed law, DPS&C-CS will sustain an indeterminable increase expenditures at the local level. DPS&C-CS advises that impacts on offender populations are anticipated to impact the number of offenders held in local facilities. For those convicted and then subsequently housed in local facility, DPS&C-CS will sustain expenditures of \$26.39 per offender per day.

To the extent that offenders sustain a misdemeanor conviction for a second or subsequent violation of the proposed law, local governing authorities will sustain Local Funds expenditures. The exact fiscal impact of the passage of this legislation to local governing authorities is indeterminable, since it is not known how many people will be convicted and incarcerated in local facilities, nor the length of the sentences assessed with those convictions as a result of its potential enactment. The maximum imprisonment term is no more than 10 years at the local level.

For informational purposes, the proposed law imposes a minimum of 3 years of a sentence to be served for conviction of unauthorized entry of a critical infrastructure during the existence of a state of emergency declared by the governor or chief executive officer of any parish. DPS&C reports that there have been an average of 5 admissions in the past three years with an average sentence length of 3.3 years, longer than the minimum sentence of 3 years imposed under current law. Assuming that additional offenders would be housed at the local level, annual expenditures would begin to exceed \$100,000 with the admission of 11 offenders convicted of possession of a firearm by certain felons each year.

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}


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Deputy Fiscal Officer