



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **SB 306** SLS 24RS 170
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

| | |
|-----------------------------------------------|---------------------------------|
| Date: March 14, 2024 6:52 PM | Author: CATHEY |
| Dept./Agy.: Corrections | Analyst: Daniel Druilhet |
| Subject: Penalty for Human Trafficking | |

CRIME/PUNISHMENT EG SEE FISC NOTE GF EX See Note Page 1 of 1
 Increases the penalty for human trafficking involving sexual activity of persons under the age of eighteen. (8/1/24)

Current law prohibits any person from engaging in human trafficking. Proposed law adds knowingly selling another person through fraud, force, or coercion to provide services or labor for a purpose other than engaging in commercial sexual activity as behavior included within the prohibition against human trafficking; proposes that offenders who engage in human trafficking when the services include commercial sexual activity or a sex offense shall be sentenced to no more than 20 years at hard labor, and fined not more than \$15,000; provides a sentence of imprisonment of no less than 15 nor more than 50 years at hard labor, or a fine of no more than \$50,000, or both, for any person convicted of human trafficking of a person under the age of 21 but over the age of 18 to engage in commercial sexual activity; provides a life sentence of imprisonment, without the benefit of probation, parole, or suspension of sentence, and a fine of no more than \$75,000, for any person convicted of knowingly engaging in, benefitting from, facilitating, or advertising human trafficking or trafficking a person under 18 years of age for the purpose of engaging in commercial sexual activity; provides affirmative defenses for victims of human trafficking; provides a sentence of imprisonment of 15 nor more than 50 years at hard labor, or both, for parents or legal guardians who engage in human trafficking by consenting to a minor engaging in human trafficking, and for victims under 18, a sentence of imprisonment for no less than 25 nor more than 50 years (10 without the benefit of parole, probation, or suspension of sentence).

| 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 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

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, to the extent that an offender is convicted of human trafficking when the services include commercial sexual activity or a sex offense, human trafficking of a person under the age of 21 but over the age of 18 to engage in commercial sexual activity, or knowingly engaging in, benefitting from, facilitating, or advertising human trafficking or trafficking a person under 18 years of age for the purpose of engaging in commercial sexual activity. While the proposed law maintains the current sentences of imprisonment and fines in current law, it adds knowingly selling another person through fraud, force, or coercion to provide services or labor for a purpose other than engaging in commercial sexual activity as applicable to the crime of human trafficking. Further, it establishes a tiered approach contingent on age of the victims, and adds a life sentence of imprisonment for offenders whose victims are under the age of 18 years old, which has the effect of adding a longer sentence of imprisonment for those convicted. The exact fiscal impact of the passage of this legislation is indeterminable, as it is not known how many people will be convicted and incarcerated or the length of sentences imposed on those who are convicted as a result of this change to current law.

For illustrative purposes, 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. Corrections Services reports that impacts on offender populations are anticipated to affect 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.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of convictions of human trafficking. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable, as the fines that would be imposed on those convicted are optional (notwithstanding the mandatory fine assessed with the enhanced penalty of a life sentence of imprisonment), and the number of fines that will be imposed on offenders convicted of proposed law may vary. The potential revenue will accrue to the local governing authority.

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


Patrice Thomas
Deputy Fiscal Officer