

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 214** HLS 24RS 647
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 1, 2024	1:06 PM	Author: VILLIO
Dept./Agy.: Corrections		
Subject: Crime of Monetary Instrument Abuse		Analyst: Daniel Druilhet

CRIME EG SEE FISC NOTE GF EX Page 1 of 1
 Provides relative to monetary instrument abuse

Current law 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 \$5,000 nor more than \$1,000,000, for making, issuing, possessing, selling, or otherwise transferring (1) a counterfeit or forged monetary instrument of the U.S., a state, political subdivision, or an organization, or (2) an implement designed for or particularly suited for making a counterfeit or forged monetary instrument, with the intent to deceive or defraud another person. Proposed law adds the counterfeit or forged monetary instrument of a person as an item of which it is unlawful to make, issue, possess, sell, or otherwise transfer; adds intent to defraud another person as an alternative element to the current law; assesses a sentence of imprisonment for no less than one nor more than 10 years, with or without hard labor, and a potential fine of no more than \$1,000,000 for a second or subsequent conviction of the proposed law; amends the definition of forged; adds check or draft to the definition of monetary instrument; adds limited liability companies and federally insured financial institutions to the definition of organization; requires full restitution to the victim or any other person who has suffered a financial loss as a result of a conviction for a second or subsequent conviction of the proposed law.

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 and Corrections – Corrections Services (DPS&C – CS), if a person receives a second or subsequent conviction for monetary instrument abuse. Proposed law has the effect of mandating a minimum sentence of imprisonment for no less than one year for those convicted of a second or subsequent offense of monetary instrument abuse. 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.

For those convicted and then subsequently housed in a state facility, DPS&C-CS will sustain expenditures of \$107.60 per offender per day, or \$26.39 per offender per day for those housed in local facilities. 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. The exact fiscal impact of the passage of this legislation is indeterminable, because it is not known how many people will be convicted and subject to a sentence of imprisonment as a result of its potential enactment.

To the extent that offenders sustain a second or subsequent misdemeanor conviction for violation of the proposed law, local governing authorities may sustain an increase in 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 DPS&C-CS reports that an average of 132 offenders have been admitted annually over the past three years for the crime of monetary instrument abuse, of which 31 are currently incarcerated for a second or subsequent conviction. The average sentence imposed is 3.36 years, or 2.86 years longer than the minimum sentence allowable under current law (six months). To the extent that sentencing practices increase the average sentences assessed for violation of the proposed law, there may be a fiscal impact with its enactment.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of second or subsequent convictions of monetary instrument abuse. 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, and the amount of the fines imposed on those convicted 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