



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 166** HLS 24RS 563
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 5, 2024	2:11 PM	Author: BOYD
Dept./Agy.: Corrections/Louisiana Department of Health		Analyst: Daniel Druilhet
Subject: Penalties after Convictions for Sex Offenses		

CRIME/SEX OFFENSES EG SEE FISC NOTE GF EX Page 1 of 2
 Provides relative to penalties for a person convicted of a sex offense

Proposed law provides that in addition to any other penalties provided by law, any person who is convicted of a sex offense as defined by La. R.S. 15:541 may be subject to a vasectomy procedure.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW					
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	SEE BELOW					
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	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

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) associated with services necessary to perform surgical vasectomy procedures and may result in an indeterminable increase in SGF expenditures in the Louisiana Department of Justice (Office of the Attorney General) associated with providing defense for any anticipated lawsuits challenging the law.

Department of Public Safety & Corrections-Corrections Services

Proposed law may result in an indeterminable increase in SGF expenditures in the DPS&C-CS, to the extent that the agency assumes the financial obligation for vasectomy procedures for those convicted of sex offenses. Proposed law provides that in addition to any other penalties provided by law, any person convicted of a sex offense as defined in La. R.S. 15:541 may be subject to a vasectomy. Proposed law would require DPS&C-CS to provide the services necessary to complete the surgical procedure by a licensed physician, if medically appropriate, and incur expenditures to the State of \$250-\$450 per offender. The exact fiscal impact to expenditures is unknown, because proposed law is prospective, within judicial discretion relative to sentencing, and there is no way to determine the number of offenders who will be convicted of a sex offense and thereafter be subject to a vasectomy procedure in the future.

For informational purposes, DPS&C-CS reports that there are currently 5,161 offenders in State custody who have been convicted of a sex offense, and that for the past three years, there has been an annual average of 640 admissions for those convicted of sex offenses as defined in La. R.S. 15:541. If this trend were to continue, annual expenditures related to subjecting these offenders to a vasectomy procedure would begin to exceed \$100,000 with the sentencing of 222 to 400 offenders convicted of a sex offense each year.

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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



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CONTINUED EXPLANATION from page one:

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Department of Justice

The proposed legislation may result in an indeterminable increase in Statutory Dedication expenditures out of the Department of Justice Legal Support Fund in the Department of Justice (Attorney General) as a result of defending the State in anticipated lawsuits that challenge the proposed legislation. Assuming there is a constitutional challenge to the proposed law, the Attorney General anticipates that it will be required to provide a constitutional defense, which will involve incurring no less than \$150,000 in costs for outside counsel, expert witnesses, as well as costs related to general litigation. The exact fiscal impact to the Department of Justice is indeterminable, as there is no way to determine the number of constitutional challenges that may arise with proposed law's enactment, or the number or duration of appeals related to any anticipated litigation.

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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