



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

Fiscal Note On: **HB 850** HLS 24RS 2088  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> April 9, 2024	4:54 PM	<b>Author:</b> JOHNSON, MIKE
<b>Dept./Agy.:</b> Corrections/Sheriff/AG		<b>Analyst:</b> Daniel Druilhet
<b>Subject:</b> Removing Unauthorized Persons from Immovable Property		

TRESPASS OR SEE FISC NOTE GF EX Page 1 of 2  
 Provides relative to the removal of unauthorized persons from immovable property

Proposed law provides that a property owner or his authorized agent may request the sheriff or constable or marshal of the municipality in which the immovable property is located to immediately remove a person unlawfully occupying property under certain conditions; requires that in requesting immediate removal of unlawful occupants, a property owner or his authorized agent is required to submit a complete and verified complaint form to the sheriff or constable of the municipality in which the property is located; provides the complaint form to be used; requires a sheriff or constable to verify the person submitting the complaint is the record owner of the property or the authorized agent of the owner and appears entitled to relief; provides for methods and fees for service and requires the sheriff or constable to serve all unlawful occupants a notice to immediately vacate and put the owner in possession of the property; allows the property owner or authorized agent to request and provide payment for the sheriff to stand by and keep the peace while the property owner or agent changes locks and removes the personal property of unlawful occupants; provides immunity from liability for the sheriff, constable, property owner, or authorized agent for the loss, destruction, or damage of personal property unless removal was unlawful; allows civil suits for wrongful removal and restoration of possession to the property and recovery of costs, damages, court costs, and attorney fees; adds a definition of criminal mischief and penalizes those convicted with imprisonment of no more than 6 months or a fine of no more than \$500, or both; defines fraudulent sale or lease of immovable property and penalizes those convicted imprisonment of no more than 10 years, or a fine of no more than \$10,000, or both.

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), if a person is convicted of fraudulent sale or lease of immovable property. 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. The exact fiscal impact of the passage of this legislation to state or local governing authorities is indeterminable, since it is not known how many people will be convicted, the number of felony or misdemeanor convictions of the proposed law that will occur, nor the length of the sentences assessed with those convictions as a result of its potential enactment.

To the extent that offenders sustain a felony-grade conviction for violation of the proposed law, DPS&C-CS will sustain an indeterminable increase in 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, 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. For those housed in state facilities, DPS&C-CS will sustain expenditures of \$107.60 per offender per day.

To the extent that offenders sustain a misdemeanor conviction for 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.


Proposed law may result in an indeterminable increase in Local Funds expenditures to sheriffs, to the extent that those convicted of criminal mischief by detaining, occupying, or trespassing upon the immovable property of another person and intentionally damaging the immovable property in an amount equal to or exceeding \$1,000. Proposed law has the effect of expanding the circumstances under which violations of criminal mischief (a misdemeanor) can occur. The exact fiscal impact to local governing authorities is indeterminable, because the sentence of imprisonment is optional, and 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 six months at the local level.

CONTINUED ON PAGE 2

**REVENUE EXPLANATION**

Proposed law may result in an indeterminable increase in Local Funds revenues to Sheriffs for serving writs of possession or writs of ejectment or receiving payment from record owners of property or agents for standing by and keeping the peace while locks are changed and personal property of unlawful occupants is removed from immovable property. The exact fiscal impact of the proposed law to Local revenues is indeterminable, as it is silent with respect to the exact fee paid to sheriffs for keeping the peace while locks are changed and personal property is removed, and it is unknown the number of complaints that will be received.

- |   |                            |  |
|---|----------------------------|--|
| <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



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**CONTINUED EXPLANATION from page one:**

[CONTINUED FROM PAGE 1]

Proposed law may result in an increase in workload to sheriffs, to the extent that sheriffs are required to remove unlawful occupants of property, verify that persons submitting complaint forms for removal of persons unlawfully occupying immovable property are record owners of property and entitled to relief, serve all unlawful occupants a notice to immediately vacate and place rightful owners in possession of property, and stand by and keep the peace while the property owner or agent changes locks and removes the personal property of unlawful occupants. The exact fiscal impact to sheriffs is indeterminable, because it is unknown the number of times that complaints to remove persons unlawfully occupying immovable property will be filed, resulting in an increased workload for sheriffs.

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**