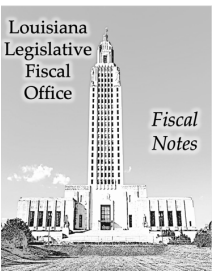


LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 127** HLS 24RS 451
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 10, 2024 11:15 AM	Author: BAYHAM
Dept./Agy.: Corrections/Courts	
Subject: Penalties for Simple Obstruction of a Highway of Commerce	Analyst: Daniel Druilhet

CRIMINAL/PENALTIES EG SEE FISC NOTE SG EX See Note Page 1 of 1
 Provides relative to the penalties for the crime of simple obstruction of a highway of commerce

Current law provides that simple obstruction of a highway of commerce is the intentional or criminally negligent placing of anything or performance of any act on any railway, railroad, navigable waterway, road, highway, thoroughfare, or runway of an airport, which will render movement thereon more difficult; mandates a fine of not more than \$200 or imprisonment for not more than 6 months, or both, for conviction of simple obstruction of a highway of commerce. Proposed law retains current law and adds a definition of simple obstruction of a highway of commerce as the coordination, organization, planning of either the intentional or criminally negligent placing of anything or the intentional or criminally negligent performance of any act on any railway, railroad, navigable waterway, road, highway, thoroughfare, or runway of an airport, which will render movement thereon more difficult; increases the fine to no more than \$750 for those convicted of simple obstruction of a highway of commerce; adds a fine of no more than \$500 and a sentence of imprisonment of not more than 1 year, with or without hard labor, for conviction of the added definition of simple obstruction of a highway of commerce; does not apply to an employee or contractor of any public utility or provider of electric utility services, communications, telecommunications, video, or information services, to the extent that either acts on behalf of the entity in a road, highway, or thoroughfare.

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, if a person is convicted of simple obstruction of a highway of commerce. Proposed law expands the definition of the crime of simple obstruction of a highway of commerce to the coordination, organization, planning of either the intentional or criminally negligent placing of anything or the intentional or criminally negligent performance of any act on any railway, railroad, navigable waterway, road, highway, thoroughfare, or runway of an airport, which will render movement thereon more difficult. Proposed law has the effect of expanding the circumstances under which violations of current law can occur, and increases the maximum term of imprisonment. Proposed law is a relative felony, and any impact on either state or local 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 for violation of the proposed law that will occur, nor the length of the sentences assessed 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 one (1) year at the local level.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of convictions of simple obstruction of a highway of commerce. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable because the fines that would be imposed on those convicted are optional, and the amount of the fines, if imposed, 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