

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



Fiscal Note On: **HB 408** HLS 24RS 281

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

|                                                                  |         |                               |
|------------------------------------------------------------------|---------|-------------------------------|
| <b>Date:</b> April 15, 2024                                      | 3:26 PM | <b>Author:</b> LANDRY, MANDIE |
| <b>Dept./Agy.:</b> Department of Public Safety                   |         |                               |
| <b>Subject:</b> Creates the Louisiana Voluntary Do Not Sell List |         | <b>Analyst:</b> John McKay    |

WEAPONS/FIREARMS OR INCREASE GF EX See Note Page 1 of 2  
Provides for the creation of the "Louisiana Voluntary Do Not Sell List"

Proposed legislation requires the Dept. of Public Safety and Corrections, Office of State Police (OSP) to create the "La. Voluntary Do Not Sell List," which shall include a list of persons who have voluntarily registered to be added to this list prohibiting them from purchasing or receiving a firearm. This measure requires OSP to develop and implement a process by which any person may voluntarily and confidentially register to have his name added to or removed from the list and provides certain requirements for the process. It will allow the registrant to submit email addresses of personal contacts who shall be notified that the person has registered/requested to be removed from the list. Proposed legislation prohibits any person who registers and whose name appears on the Louisiana Voluntary Do Not Sell List from purchasing or receiving a firearm, and prohibits any person from knowingly selling or transferring a firearm to any individual on the list. It provides that any person who violates this provision of proposed law may be fined up to \$2,500, imprisoned for up to one year, or both.

| EXPENDITURES   | 2024-25         | 2025-26         | 2026-27         | 2027-28         | 2028-29         | 5 -YEAR TOTAL |
|----------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------|
| State Gen. Fd. | <b>INCREASE</b> | <b>INCREASE</b> | <b>INCREASE</b> | <b>INCREASE</b> | <b>INCREASE</b> |               |
| Agy. Self-Gen. | \$0             | \$0             | \$0             | \$0             | \$0             | <b>\$0</b>    |
| Ded./Other     | \$0             | \$0             | \$0             | \$0             | \$0             | <b>\$0</b>    |
| Federal Funds  | \$0             | \$0             | \$0             | \$0             | \$0             | <b>\$0</b>    |
| Local Funds    | \$0             | \$0             | \$0             | \$0             | \$0             | <b>\$0</b>    |

| REVENUES       | 2024-25          | 2025-26          | 2026-27          | 2027-28          | 2028-29          | 5 -YEAR TOTAL |
|----------------|------------------|------------------|------------------|------------------|------------------|---------------|
| State Gen. Fd. | \$0              | \$0              | \$0              | \$0              | \$0              | <b>\$0</b>    |
| Agy. Self-Gen. | \$0              | \$0              | \$0              | \$0              | \$0              | <b>\$0</b>    |
| Ded./Other     | \$0              | \$0              | \$0              | \$0              | \$0              | <b>\$0</b>    |
| Federal Funds  | \$0              | \$0              | \$0              | \$0              | \$0              | <b>\$0</b>    |
| Local Funds    | <b>SEE BELOW</b> | <b>SEE BELOW</b> | <b>SEE BELOW</b> | <b>SEE BELOW</b> | <b>SEE BELOW</b> |               |

**Annual Total**

**EXPENDITURE EXPLANATION**

Proposed legislation will result in an increase in one-time expenditures (\$172,082) and an increase in recurring expenditures (up to \$164,190) for a total of \$336,272 in FY 25 to implement and maintain the Louisiana Voluntary Do Not Sell List (DNSL). The recurring expenses in the Department of Public Safety (DPS), Office of State Police (OSP) are to develop and maintain a secure registration system that includes real-time status updates, changes, notifications, and integration with the National Instant Criminal Background Check System (NICS). DPS reports it will require additional SGF resources in order to purchase the necessary software and equipment and to hire one additional T.O. position. To the extent additional SGF is not appropriated, DPS may reduce other services to offset these increased expenditures. The Louisiana Supreme Court reports it will require the addition of one T.O. position to accommodate entries into the NICS if entries exceed 200 annually.

The table on page 2 displays the one-time expenditures and recurring expenditures beginning in FY 25 by the agency. Additional details of expenditures are also on page 2.

**EXPENDITURE EXPLANATION CONTINUED ON PAGE TWO**

**REVENUE EXPLANATION**

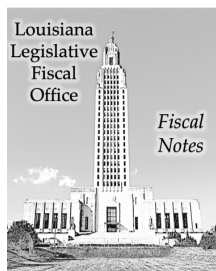
Proposed legislation may increase local funds revenue as a result of potential fines for the crime of an individual on the DNSL purchasing or receiving a firearm, or for an individual selling to a person on the list. This measure provides for a fine of up to \$2,500, imprisonment for up to 1 year, or both, for an individual knowingly selling or transferring a firearm to an individual on the DNSL. The measure also provides for a fine of up to \$100 for an individual on the DNSL knowingly receiving or possessing a firearm. Violation of certain provisions in proposed legislation by an insurer, employer, state agency, political subdivision, public educational institution, or healthcare provider shall be fined up to \$40,000. Unlawful discriminatory housing practices against individuals on the DNSL or who have requested to be added or removed from the DNSL will result in a fine of up to \$100,000. Potential revenues will accrue to the local governing authority.

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:**

Page 2 of 2

**EXPENDITURE EXPLANATION CONTINUED FROM PAGE ONE**

|                                     | FY 25            | FY 25 - FY 29    |
|-------------------------------------|------------------|------------------|
|                                     | One-Time         | Recurring        |
|                                     | Expense          | Expense          |
| Office of Technology Services (OTS) | \$95,722         | \$0              |
| DPS, Office of State Police         | \$76,360         | \$89,230         |
| Louisiana Supreme Court             | \$0              | \$74,960         |
| <b>Total</b>                        | <b>\$172,082</b> | <b>\$164,190</b> |

**One-time Expenditures** - Based on information from OTS, DPS estimates the Do Not Sell List (DNSL) will require a Senior Developer to develop a secure registration system to include real-time status changes, notifications, and integration with NICS. OTS estimates it will require 960 work hours at a total cost of \$92,522 (960 hours x \$95 per hour = \$91,200 x 1.45% Medicare tax = \$1,322; Total of \$92,522). DPS reports that other one-time costs include supplies for one additional OSP staff (see below) including desks, chairs, computers, and printers (\$3,200). Additionally, Proposed legislation requires forms to be distributed to all clerks of court and to certain healthcare provider facilities. DPS anticipates required printing costs of \$34,860 (8,300 agencies x 30 copies (3 forms - 10 copies each) x \$0.14 per page) as well as shipping and handling costs of \$41,500 (8,300 agencies x \$5 per package).

**Recurring Expenditures - State Police and Supreme Court:**

**DPS - Office of State Police: (\$89,230 SGF, one T.O. position)**

DPS estimates the staffing requirements necessary for the administration of the DNSL would likely incorporate one new T.O. position - one (1) Criminal Records Analyst at \$88,240 (\$52,936 salary, \$35,303 related benefits). Duties will include answering queries from the public related to the List and its processes, managing e-mail notifications and related questions, registering and verifying the identity of the individuals, serving as the point of contact for NICS, serving as subject-matter experts for appeals, and ensuring removal from the DNSL upon request.

**Louisiana Supreme Court: (\$74,960 SGF, one T.O. position)**

The Louisiana Supreme Court estimates the staffing requirements necessary when entries to NICS exceed 200 annually would likely incorporate one new T.O. position - one (1) Data Input Clerk at \$74,960 (\$40,950 salary, \$34,010 related benefits) to accommodate the increase in workload.

Note: The Legislative Fiscal Office is unable to determine or validate the staff level necessary in either the Louisiana Supreme Court or State Police to provide for the administration of the DNSL registry. To the extent the additional workload is less than anticipated, the additional workload may be absorbable, either wholly or partially, using existing staff and resources.

**Department of Public Safety & Corrections - Corrections Services:**

To the extent a person knowingly makes false statements or coerces another individual to add or remove his name from the DNSL, the impact to local revenue is indeterminable. An individual who knowingly makes a false statement regarding an individual's addition to or removal from the DNSL shall be subjected to criminal prosecution. This measure provides for the coercion of another individual to add or remove his name from the DNSL shall be imprisoned for up to one (1) year. The exact fiscal impact of the passage of this legislation is indeterminable, because it is not known how many convicted people will receive fines instead of imprisonment as a result of its potential enactment.

**State Board of Examiners of Psychologists:**

Anticipates a potential increase in expenditures from Board investigations resulting from complaints due to possible conflicts created when best-practice standards for education conflict with current best-practice standards for the treatment of an individual during a mental health crisis. Notwithstanding the intent, an attempt to educate an individual who is under duress to make a decision to relinquish their rights could be viewed as coercion. The Board of Examiners of Psychologists reports investigations range in cost from \$5,000 up to \$20,000 for more contested cases.

**Other Louisiana State Boards:**

This measure may result in an indeterminable impact on the Board of Practical Nurse Examiners, the Board of Medical Examiners, and the Licensed Professional Counselors Board of Examiners to the extent that potential investigations arise from reports of coercion by individuals who add themselves to the DNSL.

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