



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 734** HLS 24RS 1010
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action: **w/ SEN COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

| | | |
|---|---------|---------------------------------|
| Date: April 23, 2024 | 7:22 PM | Author: VILLIO |
| Dept./Agy.: Corrections and District Attorneys | | |
| Subject: Victim Notification | | Analyst: Daniel Druilhet |

CRIMINAL/VICTIMS EG1 SEE FISC NOTE LF EX See Note Page 1 of 1
 Provides relative to victim notification

Current law provides for definitions relative to the crime of obstruction of justice and associated penalties; provides for the basic rights of victims and witnesses. Proposed law adds contacting a family member of the victim in a manner that knowingly violates proposed law's restrictions on contact with the victim's family while the clemency process has commenced as a definition relative to the crime of obstruction of justice; assesses a penalty of no more than 3 years imprisonment, w/ or w/o hard labor, or a fine no more than \$5,000, or both, for obstruction of justice involving a criminal proceeding where the sentence imposed is death and contact with the victim's family is restricted while the clemency process has commenced; provides that in criminal proceedings where a death sentence is imposed and the clemency process has commenced, the victim's family shall have the right not to be contacted by the offender, family member, friend, or legal representative of the offender, or any person or group actually or purporting to represent the offender's interests, unless an appointment has been requested, approved and arranged by a victim service coordinator appointed by the LA Victim Outreach Program by the Crime Victim Services Bureau, and that the bureau shall provide notice via U.S. mail to each party in the case and a form to the victim's family for the family to request to not be contacted in any manner by any person or entity representing the offender's interests.

| 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 and Corrections – Corrections Services (DPSC – CS) or an increase in Local Funds expenditures if a person is convicted of obstruction of justice involving a criminal proceeding where the sentence imposed is death and contact with the victim's family is restricted while the clemency process has commenced. The exact fiscal impact of the passage of this legislation is indeterminable, since it creates a new crime, and it is not known how many people will be convicted nor the length of the sentences assessed with those convictions as a result of its potential enactment. 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.

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 an offender sustains a 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 3 years at the local level.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of convictions of obstruction of justice involving a criminal proceeding where the sentence imposed is death and contact with the victim's family is restricted while the clemency process has commenced. 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 in fines, if imposed, may vary. The potential revenue 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