

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



Fiscal Note On: **SB 388** SLS 24RS 820  
 Bill Text Version: **ENGROSSED**  
 Opp. Chamb. Action: **w/ #2 HSE COMM AMD**  
 Proposed Amd.:  
 Sub. Bill For.:

|  |         |                                 |
|--|---------|---------------------------------|
| <b>Date:</b> May 8, 2024   | 7:33 PM | <b>Author:</b> HODGES           |
| <b>Dept./Agy.:</b> Corrections                                       |         |                                 |
| <b>Subject:</b> Unlawful Entry or Reentry into the state by an Alien |         | <b>Analyst:</b> Daniel Druilhet |

CRIME/PUNISHMENT EG2 SEE FISC NOTE LF EX See Note Page 1 of 2  
 Creates the crime of unlawful entry or reentry into the state of Louisiana by an alien. (See Act)

Proposed law creates the crime of unlawful or entry or reentry into the state by an alien; assesses a sentence of imprisonment for no more than six months, or a fine of no more than \$1,000, or both, for unlawful entry by an alien, and imprisonment for no less than one year nor more than 2 years, w/ or w/o hard labor, or a fine of no more than \$10,000, or both, for a second or subsequent conviction; provides affirmative defenses; provides that no court shall terminate prosecution of an offense on the basis that a federal determination regarding the immigration status of the defendant has not occurred or may be initiated at a future date; creates the interstate compact for border security to provide mutual assistance to border states to control the influx of illegal immigration; provides legislative findings; authorizes the governor with the legal assistance of the AG, to negotiate and assist Texas in an interstate compact for border security among interested states in securing the southern border of the United States; provides joint action for states participating in the compact to pursue security priorities; mandates that once the governor negotiates and assists the governor of Texas with preparation and finalization of the compact to secure the border, the governor shall promptly submit the Interstate Compact for Border Security to the legislature for approval and appropriation of necessary funds to fulfill the security priorities included within the compact.

| EXPENDITURES   | 2024-25          | 2025-26          | 2026-27          | 2027-28          | 2028-29          | 5 -YEAR TOTAL |
|----------------|------------------|------------------|------------------|------------------|------------------|---------------|
| State Gen. Fd. | <b>SEE BELOW</b> | <b>SEE BELOW</b> | <b>SEE BELOW</b> | <b>SEE BELOW</b> | <b>SEE BELOW</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**

| 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 law may result in an indeterminable increase in Local Funds expenditures for local governing authorities if a person is convicted of unlawful entry or unlawful reentry into the state by an alien. 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 at the local level is no more than six months for the first offense (a misdemeanor), and no more than two years for a second or subsequent offense, with or without hard labor. Proposed law (on second or subsequent conviction) 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.

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPS&C – CS), if a person receives a second or subsequent felony conviction for illegal entry into the state by an alien. 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 offenders sustain a first or subsequent 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 two years at the local level.

CONTINUED ON PAGE 2

**REVENUE EXPLANATION**

Proposed law may result in an indeterminable increase in local revenues as a result of convictions of unlawful entry or reentry into the state by an alien. 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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|--|--|--|
| <p><u>Senate</u></p> <p><input type="checkbox"/> 13.5.1 &gt;= \$100,000 Annual Fiscal Cost {S &amp; H}</p> <p><input type="checkbox"/> 13.5.2 &gt;= \$500,000 Annual Tax or Fee Change {S &amp; H}</p> | <p><u>House</u></p> <p><input type="checkbox"/> 6.8(F)(1) &gt;= \$100,000 SGF Fiscal Cost {H &amp; S}</p> <p><input type="checkbox"/> 6.8(G) &gt;= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}</p> |  |
|--|--|--|

  
**Patrice Thomas**  
**Deputy Fiscal Officer**



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**CONTINUED EXPLANATION from page one:**

[CONTINUED FROM PAGE 1]

**Department of Justice**

The Department of Justice (Attorney General) advises that the proposed law does not directly involve the Attorney General, and that any indirect impact on its operations can be managed using current resources. To the extent that the proposed law raises any constitutional issues, the Attorney General may incur expenditures related to its defense.

The proposed legislation also contemplates the attorney general negotiating and assisting the governor and the governor of the state of Texas with finalizing an Interstate Compact for Border Security. To the extent that workload increases in the Office of the Attorney General in negotiating and assisting the Louisiana and Texas governors with finalizing an Interstate Compact for Border Security, the LFO presumes that it can be absorbed using existing staff and resources.

The proposed legislation contemplates the appropriation of necessary funds to fulfill certain security priorities (sharing of law enforcement intelligence, sharing of state resources, and sharing of other law enforcement resources) of the Interstate Compact for Border Security upon its submission by the governor to the legislature for approval. The exact fiscal impact of this provision is indeterminable, as any expenditures associated with the appropriation are contingent on what may be included within the compact, which is unknown.

**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**