

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 353** HLS 12RS 812
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 9, 2012 6:17 PM	Author: LOPINTO
Dept./Agy.: Corrections	Analyst: Matthew LaBruyere
Subject: Sex Offenders	

SEX OFFENSE/REGISTRY EG INCREASE GF EX See Note Page 1 of 1
 Implements 1,000-foot residency and presence restrictions for certain convicted sex offenders relative to day care centers

Present law provides that any person who is convicted of a "sex offense" when the victim is under the age of 13 shall be prohibited from establishing a residence or being physically present within 1,000 feet of certain facilities including schools, public parks, or recreational facilities.

Present law provides that any person who is convicted of an "aggravated offense" when the victim is under the age of 13 shall be prohibited from establishing a residence or being physically present within 1,000 feet of certain facilities including day care centers, group homes, residential homes, child care facilities, or family child day care homes.

Proposed legislation amends present law to expand the prohibition on being physically present or establishing a residence within 1,000 feet of a day care center to apply to a person convicted of any "sex offense", and not just those offenders convicted of an "aggravated offense" as provided in present law.

EXPENDITURES	2012-13	2013-14	2014-15	2015-16	2016-17	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2012-13	2013-14	2014-15	2015-16	2016-17	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

The proposed legislation may result in an indeterminable increase in state general fund expenditures if a defendant is convicted of unlawful residence or presence of a sex offender within 1,000 feet of a day care center. The exact fiscal impact of the passage of this legislation is indeterminable, since the legislation adds day care centers to the list of places sex offenders cannot be in the presence of and it is not known how many individuals will be convicted of this crime. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by \$24.39 per day per offender in local facilities. To the extent that offenders are sentenced and housed in state facilities, the cost per day per offender is \$50.75. Currently, the Department of Corrections houses 50% of state offenders at the local level and 50% at the state level.

To the extent a defendant is convicted and is sentenced to the maximum of 1 year of incarceration, the cost to house the offender at a local facility would be \$8,902 (1 offender x \$24.39 per day x 365 days) and the cost to house the offender at a state facility would \$18,524 (1 offender x \$50.75 per day x 365 days).

According to the Department of Corrections, there are currently 3 offenders in custody for unlawful residence or presence of a sex offender serving an average sentence of 1 year.

REVENUE EXPLANATION

There is no anticipated direct material effect on state revenues as a result of this measure. However, any revenue generated through the imposition of fines as a result of conviction would accrue to local government entities.

<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 >= \$500,000 Annual Fiscal Cost {S}		<i>Evan Brasseaux</i>
<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}		Evan Brasseaux Staff Director