

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



Fiscal Note On: **SB 179** SLS 13RS 412  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> April 29, 2013	4:46 PM	<b>Author:</b> CLAITOR
<b>Dept./Agy.:</b>		<b>Analyst:</b> Stephanie C. Blanchard
<b>Subject:</b> Bail		

CRIMINAL PROCEDURE OR INCREASE LF EX See Note Page 1 of 1  
 Provides relative to bail. (gov sig)

Present law defines bail as the security given by a person to assure his appearance before the proper court whenever required. Proposed law redefines bail as an order of the court establishing the amount, type, and conditions of bond for the release of the defendant from jail. Provides for procedures for the enforcement of a judgment of bond forfeiture. If the sureties fail to make a timely deposit as required under proposed law, then the judgment of bond forfeiture shall be executed by the processing attorney in the same manner as any other money judgment, and the prosecuting attorney shall be entitled to reasonable attorney fees in the amount of twenty-five percent of judgment. Provides that a surety may surrender the defendant within the surrender period, which must be within 60 days, rather than the 180 days in present law. The person providing security shall bring a mortgage certificate and tax assessment for the immovable, along with the recorded act of mortgage and promissory note securing the bail bond, to the prosecuting attorney. Before recordation, the mortgage must be deemed sufficient by signature of the prosecuting attorney, who shall retain the promissory note.

<b>EXPENDITURES</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<b>Annual Total</b>						

  

<b>REVENUES</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>5 -YEAR TOTAL</b>
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<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

The proposed legislation will result in an indeterminable increase in local government expenditures. The exact fiscal impact to the Sheriffs Association or District Attorneys Association cannot be determined at the present time. The proposed legislation rewrites, consolidates, and clarifies the procedures associated with bail.

According to the Sheriff's Association, the proposed legislation may increase costs by an indeterminable amount since it adds another step before an offender can be bonded out of jail. This bill adds the step of certifying the value of property, which may result in an overall increase in local law enforcement costs as the per offender rate for Sheriffs Office is approximately \$30.00/day.

The proposed legislation is anticipated to have no significant fiscal impact to the Department of Corrections (DOC). DOC typically does not hold offenders until after the sentencing process, whereas, bail is a pre-sentence procedure. Although DOC is statutorily permitted to hold pre-trial detainees, this is a rare circumstance and usually only occurs with high exposure or extremely violent crimes. Therefore, even on these rare occasions a pre-trial detainee is housed within the DOC system, the impact to the department should remain minimal.

In addition, the proposed legislation will also impact commercial surety companies because it shortens the timeframe from 6 months to 60 days in which a defendant may be surrendered before the full principle amount of the judgment of bond forfeiture.

**REVENUE EXPLANATION**

The proposed legislation will increase revenues for District Attorneys due to provisions regarding sureties. If the sureties fail to make a timely deposit as required under proposed law, then the judgment of bond forfeiture shall be executed by the processing attorney in the same manner as any other money judgment, and the prosecuting attorney shall be entitled to reasonable attorney fees in the amount of 25% of judgment.

<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) >= \$500,000 Annual Fiscal Cost {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}	

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