

Regular Session, 2014

HOUSE BILL NO. 726

BY REPRESENTATIVE IVEY

FUNDS/FUNDING: Authorizes certain statutorily dedicated funds to be used for special law enforcement initiatives

1 AN ACT

2 To amend and reenact R.S. 11:545(D), R.S. 15:598, R.S. 22:831(B), R.S. 40:1379.3.1(D),  
3 1379.7(B), and 1428(A)(4)(b)(introductory paragraph) and (i) and (C), and Code of  
4 Criminal Procedure Article 895.1(F)(3)(a), relative to special treasury funds; to  
5 provide for the uses of the Department of Public Safety Police Officers Fund, the  
6 Criminal Identification and Information Fund, the Louisiana State Police Salary  
7 Fund, the Concealed Handgun Permit Fund, the Public Safety DWI Testing,  
8 Maintenance, and Training Fund, the Insurance Fraud Investigation Fund, and the  
9 Sex Offender Registry Technology Fund; to authorize the use of certain monies in  
10 such funds for special law enforcement initiatives; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 11:545(D) is hereby amended and reenacted to read as follows:

13 §545. Department of Public Safety Peace Officers Fund

14 \* \* \*

15 D. The monies in the fund shall be used for funding retirement benefits for  
16 peace officers, as defined in R.S. 40:2402(1)(a), employed by the Department of  
17 Public Safety and Corrections, office of state police, other than state troopers. Any  
18 monies in the fund not used for retirement benefits as provided in this Section may  
19 be used for special law enforcement initiatives and to support the operations of the  
20 Department of Public Safety and Corrections, Capitol Complex Police Force.

21 \* \* \*

1 Section 2. R.S. 15:598 is hereby amended and reenacted to read as follows:

2 §598. Criminal Identification and Information Fund

3 All fees imposed and collected pursuant to R.S. 15:587 or any other provision  
4 of law in this Chapter shall be forwarded upon receipt to the state treasurer for  
5 immediate deposit into the state treasury. After compliance with the requirements  
6 of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond  
7 Security and Redemption Fund, and prior to monies being placed in the state general  
8 fund, an amount equal to that deposited as required in this Section shall be credited  
9 to a special fund hereby created in the state treasury designated as the Criminal  
10 Identification and Information Fund. All monies in this fund shall annually be  
11 appropriated by the legislature to the state police, may be withdrawn only pursuant  
12 to such appropriation, and shall be used solely and exclusively by the state police to  
13 assist in carrying out the provisions of this Chapter and for special law enforcement  
14 initiatives. Monies in the fund shall be invested by the state treasurer in the same  
15 manner as monies in the state general fund. Interest earned on the investment of  
16 monies shall be credited to this fund following compliance with the requirements of  
17 Article VII, Section 9(B) relative to the Bond Security and Redemption Fund. All  
18 unexpended and unencumbered monies in the fund at the end of each fiscal year shall  
19 remain in the fund.

20 Section 3. R.S. 22:831(B) is hereby amended and reenacted to read as follows:

21 §831. Fire, marine, transportation, casualty, surety, or other insurance

22 \* \* \*

23 B. There is hereby created in the state treasury the Louisiana State Police  
24 Salary Fund. Monies in the Louisiana State Police Salary Fund shall be used in  
25 amounts appropriated by the legislature to cover the cost of salary increases and  
26 related benefits for members of the state police service and for special law  
27 enforcement initiatives. Taxes collected under the provisions of this Section in  
28 Fiscal Year 2002-2003 and ensuing fiscal years that are in excess of total collections  
29 under the provisions of this Section in Fiscal Year 2000-2001, after first having been

1 credited to the Bond Security and Redemption Fund as required by Article VII,  
2 Section 9(B) of the Louisiana Constitution, shall be deposited into the Louisiana  
3 State Police Salary Fund until the amount deposited in each fiscal year is equal to  
4 fifteen million six hundred thousand dollars.

5 \* \* \*

6 Section 4. R.S. 40:1379.3.1(D), 1379.7(B), and 1428(A)(4)(b)(introductory  
7 paragraph) and (i) and (C) are hereby amended and reenacted to read as follows:

8 §1379.3.1. Concealed Handgun Permit Fund; assessment and disposition of fees

9 \* \* \*

10 D. The monies in the Concealed Handgun Permit Fund shall be used solely  
11 for administration of the concealed handgun permit process and for special law  
12 enforcement initiatives.

13 \* \* \*

14 §1379.7. Public Safety DWI Testing, Maintenance, and Training Fund; uses

15 \* \* \*

16 B. After compliance with the requirements of Article VII, Section 9(B) of  
17 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,  
18 and prior to monies being placed in the state general fund, the treasurer shall credit  
19 an amount equal to the total amount of such costs received to a special fund which  
20 is hereby created in the state treasury and designated as the Public Safety DWI  
21 Testing, Maintenance, and Training Fund. The monies in the described fund shall  
22 be used solely to fund activities of the office of state police in executing its  
23 responsibilities in the purchase and maintenance of equipment and supplies for use  
24 in breath, blood, or urine analysis as related to violations of R.S. 14:98 or 98.1;  
25 training in the maintenance and usage of testing equipment; ~~and~~ other such related  
26 expenses as may be necessary in the efficient and effective administration of those  
27 duties; and for special law enforcement initiatives. The monies in the fund shall be  
28 used only in the amounts appropriated by the legislature. All unexpended and  
29 unencumbered monies in the fund at the end of the fiscal year shall remain in the

1 fund. The monies in the fund shall be invested by the treasurer in the same manner  
2 as monies in the state general fund. All interest earned on monies in the fund  
3 invested by the treasurer shall be credited to the Public Safety DWI Testing,  
4 Maintenance, and Training Fund.

5 \* \* \*

6 §1428. Special assessment; creation of fund

7 A.

8 \* \* \*

9 (4)

10 \* \* \*

11 (b) Except as otherwise provided in Subparagraph (a) of this Paragraph, the  
12 fees collected shall be used solely for the purposes of this Subpart and special law  
13 enforcement initiatives and shall be allocated as follows:

14 (i) Seventy-five percent of the fees collected shall be allocated to ~~the~~  
15 ~~insurance fraud investigation unit within~~ the office of state police for the insurance  
16 fraud investigation unit and special law enforcement initiatives.

17 \* \* \*

18 C. After compliance with the requirements of Article VII, Section 9(B) of  
19 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,  
20 an amount equal to that deposited as required by Subsection B of this Section shall  
21 be credited to a special fund hereby created in the state treasury to be known as the  
22 Insurance Fraud Investigation Fund. The monies shall be irrevocably dedicated and  
23 deposited in the Insurance Fraud Investigation Fund and shall be used solely as  
24 provided in Subsection A of this Section and only in the amounts appropriated by the  
25 legislature. Monies in the fund shall be appropriated, administered, and used solely  
26 and exclusively for purposes of the fraud unit, fraud support unit, insurance fraud  
27 section, LATIFPA, special law enforcement initiatives, and as further provided in  
28 this Section. All unexpended and unencumbered monies in this fund at the end of  
29 the fiscal year shall be refunded to each insurer licensed by the Department of

1 Insurance to conduct business in this state assessed a fee pursuant to this Section on  
2 a pro-rata basis based on each insurer's proportionate share of the total fees collected  
3 pursuant to this Section.

4 \* \* \*

5 Section 5. Code of Criminal Procedure Article 895.1(F)(3)(a) is hereby amended and  
6 reenacted to read as follows:

7 Art. 895.1. Probation; restitution; judgment for restitution; fees

8 \* \* \*

9 F. When the court places the defendant on supervised probation, it shall  
10 order as a condition of probation the payment of a monthly fee of eleven dollars.  
11 The monthly fee established in this Paragraph shall be in addition to the fee  
12 established in Paragraph C of this Article and shall be collected by the Department  
13 of Public Safety and Corrections and shall be transmitted, deposited, appropriated,  
14 and used in accordance with the following provisions:

15 \* \* \*

16 (3) The monies in the Sex Offender Registry Technology Fund shall be  
17 appropriated as follows:

18 (a) For Fiscal Year 2006-2007, the amount of one hundred ninety thousand  
19 dollars to the Department of Public Safety and Corrections, office of state police, to  
20 be used in the administration of programs for the registration of sex offenders in  
21 compliance with federal and state laws, and support of community notification  
22 efforts by local law enforcement agencies. For Fiscal Years 2007-2008 through  
23 2009-2010, the amount to be appropriated under this Subparagraph shall be twenty-  
24 five thousand dollars. For Fiscal Years 2010-2011, and thereafter, the amount to be  
25 appropriated to the Department of Public Safety and Corrections, office of state  
26 police, shall be twenty-five thousand dollars for the purposes of maintaining and  
27 administering the programs for the registration of sex offenders pursuant to this  
28 Subparagraph and special law enforcement initiatives.

29 \* \* \*

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Ivey

HB No. 726

**Abstract:** Permits monies in certain special treasury funds dedicated to the office of state police for specific purposes to also be used for special law enforcement initiatives. The funds are: the Dept. of Public Safety Peace Officers Fund, the Criminal Identification and Information Fund, the Concealed Handgun Permit Fund, the Public Safety DWI Testing, Maintenance, and Training Fund, the Insurance Fraud Investigation Fund, and the Sex Offender Registry Technology Fund.

Present law provides that monies in the Dept. of Public Safety Peace Officers Fund shall be used for funding retirement benefits for peace officers employed by office of state police other than state troopers. Any monies in the fund not used for retirement benefits may be used to support the operations of the Capitol Complex Police Force.

Proposed law retains present law and additionally permits any monies in the fund not used for retirement benefits to be used for special law enforcement initiatives.

Present law provides that monies in the Criminal Identification and Information Fund shall be used solely and exclusively by the state police to assist in carrying out the provisions of present law regarding the Louisiana Bureau of Criminal Identification and Information.

Proposed law additionally permits the fund to be used by state police for special law enforcement initiatives.

Present law provides that money in the Louisiana State Police Salary Fund shall be used to cover the cost of salary increases and related benefits for members of state police.

Proposed law additionally permits monies in the fund to be used for special law enforcement initiatives.

Proposed law provides that the monies in the Concealed Handgun Permit Fund shall be used solely for administration of the concealed handgun permit process.

Proposed law additionally permits monies in the fund to be used for special law enforcement initiatives.

Present law provides that monies in the Public Safety DWI Testing, Maintenance, and Training Fund shall be used solely to fund activities of the office of state police in executing its responsibilities in the purchase and maintenance of equipment and supplies for use in breath, blood, or urine analysis as related to certain violations; training in the maintenance and usage of testing equipment; and other such related expenses as may be necessary in the efficient and effective administration of those duties.

Proposed law additionally permits monies in the fund to be used to fund activities of the office of state police for special law enforcement initiatives.

Present law allocates monies out of the Insurance Fraud Investigation Fund. 75% of the fees collected shall be allocated to the insurance fraud investigation unit within the office of state police, 15% to the Dept. of Justice, and 10% to the Dept. of Insurance.

Proposed law permits the monies allocated out of the fund to state police to be used for the insurance fraud investigation unit and for special law enforcement initiatives.

Present law provides for distributions out of the Sex Offender Registration Technology Fund. Provides that \$25,000 shall be distributed annually to the office of state police for the purposes of maintaining and administering the programs for the registration of sex offenders.

Proposed law permits the allocation for state police to also be used for special law enforcement initiatives.

(Amends R.S. 11:545(D), R.S. 15:598, R.S. 22:831(B), R.S. 40:1397.3.1(D), 1379.7(B), and 1428(A)(4)(b)(intro. para.) and (i) and (C), and C.Cr.P. Art. 895.1(F)(3)(a))