

2016 Regular Session

HOUSE BILL NO. 409

BY REPRESENTATIVE HENRY

FUNDS/FUNDING: Provides for the transfer, deposit, and use of monies among state funds

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 895.1(F)(3)(d) and (e) and to
3 enact R.S. 17:1519.6(E) and Code of Criminal Procedure Article 895.1(F)(3)(f),
4 relative to state funds; to provide for the deposit of certain funds into the state
5 treasury; to provide for distributions out of the Sex Offender Registry Technology
6 Fund; to provide for outstanding fund transfers; to provide for the deposit of hospital
7 lease payments; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:1519.6(E) is hereby enacted to read as follows:

10 §1519.6. Funding and budget

11 * * *

12 E. Notwithstanding any provision of law to the contrary, the LSU Health
13 Science Center - Health Care Services Division, the LSU Health Sciences Center -
14 New Orleans, and the LSU Health Sciences Center - Shreveport are hereby
15 authorized and directed to deposit into the state general fund all receipts of lease
16 payments for the public/private partnership leases of state hospital buildings and
17 equipment.

18 Section 2. Code of Criminal Procedure Articles 895.1(F)(3)(d) and (e) are hereby
19 amended and reenacted and Code of Criminal Procedure Article 895.1(F)(3)(f) is hereby
20 enacted to read as follows:

1 Art. 895.1. Probation; restitution; judgment for restitution; fees; Sex Offender
2 Registry Technology Fund

3 * * *

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

10 * * *

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

13 * * *

14 (d) For Fiscal Year 2014-2015, ~~and thereafter~~, and Fiscal Year 2015-2016,
15 residual monies available for appropriation after satisfying the requirements of
16 Subsubparagraphs (a) and (b) of this Subparagraph shall be appropriated to the
17 Department of Justice, office of the attorney general. Of that residual amount, two
18 hundred and fifty thousand dollars shall be allocated to the office of the attorney
19 general of which one hundred and fifty thousand dollars shall be allocated for
20 personnel and other costs to assist and monitor sheriff participation in utilization of
21 the computer system and the administration of the sex offender and child predator
22 registration and notification laws as set forth in R.S. 15:540 et seq., and one hundred
23 thousand dollars of which shall be allocated to the cost of maintenance of the
24 computer system of the sheriffs of the parishes for registration of sex offenders and
25 child predators.

26 (e) For Fiscal Year 2016-2017, and thereafter, residual monies available for
27 appropriation after satisfying the requirements of Subsubparagraphs (a) and (b) of
28 this Subparagraph shall be appropriated to the Department of Justice, office of the
29 attorney general. Of that residual amount, four hundred thousand dollars shall be

1 allocated to the office of the attorney general, of which one hundred and fifty
2 thousand dollars shall be allocated for personnel and other costs to assist and monitor
3 sheriff participation in utilization of the computer system and the administration of
4 the sex offender and child predator registration and notification laws as set forth in
5 R.S. 15:540 et seq., one hundred fifty thousand dollars shall be allocated to the cost
6 of maintenance of the computer system of the sheriffs of the parishes for registration
7 of sex offenders and child predators, and one hundred thousand dollars shall be
8 allocated to the cost of a sex offender education program for school children to be
9 implemented in cooperation with the sheriffs or other law enforcement entities of the
10 parishes responsible for registration of sex offenders and child predators.

11 (f) After providing for the allocations in Subsubparagraphs (a), (b), (c), ~~and~~
12 (d), and (e) of this Subparagraph, the remainder of the residual monies in the Sex
13 Offender Registry Technology Fund shall, pursuant to an appropriation to the office
14 of the attorney general, be distributed to the sheriff or other law enforcement agency
15 primarily responsible for registering sex offenders of each parish, based on the
16 population of convicted sex offenders, sexually violent predators, and child predators
17 who are residing in the parish and who are active sex offender registrants or active
18 child predator registrants in the respective parishes according to the State Sex
19 Offender and Child Predator Registry. These funds shall be used to cover the costs
20 associated with sex offender registration and compliance. Population data necessary
21 to implement the provisions of this Subparagraph shall be as compiled and certified
22 by the undersecretary of the Department of Public Safety and Corrections on the first
23 day of June of each year. No later than ~~June fifteenth of each year,~~ thirty days after
24 the Revenue Estimating Conference recognizes the prior year balance, the office of
25 the attorney general shall make these distributions, which are based on the data
26 certified by the undersecretary of the Department of Public Safety and Corrections,
27 to the recipient sheriffs who are actively registering offenders pursuant to this
28 Paragraph.

- (2) \$150,000 for computer maintenance as provided in Paragraph (2) of present law.
- (3) \$100,000 for the cost of a sex offender education program for school children to be implemented in cooperation with sheriffs or other law enforcement entities.

Present law requires the annual remaining balance in the Sex Offender Registry Technology Fund as of June 15 be distributed to the recipient sheriffs who are actively registering offenders.

Proposed law provides that the balance also be distributed to other law enforcement agencies primarily responsible for registering sex offenders and changes the date from June 15 to 30 days after the Revenue Estimating Conference (REC) recognizes the prior year-end balance.

PRIOR YEAR FUND TRANSFERS

Proposed law nullifies any fund transfers that have not occurred by July 1, 2016 contained in the "fund transfer" bills of the 2011 through 2015 Regular Sessions and any fund transfers approved by the Joint Legislative Committee on the Budget as part of a mid-year deficit reduction.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.Cr.P Art. 895.1(F)(3)(d) and (e); Adds R.S. 17:1519.6(E) and C.Cr.P. Art.895.1(F)(3)(f))