

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 385** HLS 16RS 264

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: March 16, 2016 4:43 PM	Author: HAZEL
Dept./Agy.: Corrections	Analyst: Monique Appeaning
Subject: Crime For Certain Bail Requirements	

CRIME OR INCREASE GF EX See Note Page 1 of 1

Creates the crime of providing false, nonexistent, or incomplete declaration of residence for bail

Proposed law provides that it shall be unlawful for any person to give or place on any bail bond or declaration of residence false, nonexistent, or incomplete information for purposes of service or notice. Provides for a presumption that an address is false, nonexistent, or incomplete. Proposed law provides penalties of imprisonment of not more than two years, with or without hard labor, and fined not less than \$500 nor more than \$5,000. Proposed law further provides that the offender shall also reimburse the sheriff, clerk of court, or agent for costs of attempting to notice the defendant at the address provided on his bond or declaration of residence, which sum shall not be less than \$25 per attempt.

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	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	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total						
REVENUES	2016-17	2017-18	2018-19	2019-20	2020-21	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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						

EXPENDITURE EXPLANATION

This legislation may result in an indeterminable increase in state general fund expenditures if a defendant is charged with giving or placing on any bail bond or declaration of residence false, nonexistent, or incomplete information for purposes of service or notice as required by Code of Criminal Procedure Article 322. The maximum imprisonment term is two years, with or without hard labor.

SGF expenditures will increase by \$51.68 per offender per day if offenders are housed in state facilities and by \$24.39 for state offenders housed in local facilities. Offenders sentenced to the custody of the Department of Public Safety and Corrections for one year would increase SGF expenditures by \$18,863 (\$51.68 per day x 365 days) if housed in a state facility and \$8,902 (\$24.39 per day x 365 days) if housed in local facilities. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

To the extent an offender serves the maximum of two (2) years, the cost in a state facility would be \$37,726 (1 offender x \$18,863 per year x 2 years) or \$17,804 (1 offender x \$8,902 per year x 2 years) if a state offender is housed in a local facility.

REVENUE EXPLANATION

The proposed legislation may result in an indeterminable increase in local funds revenue as a result of potential fines imposed for giving or placing on any bail bond or declaration or residence false, nonexistent, or incomplete information for purposes of service or notice. The minimum fine is \$500 and the maximum fine is \$5,000. The offender shall also reimburse the sheriff, clerk of court, or agent for costs of attempting to notice the defendant at the address provided on his bond or declaration of residence not less than \$25 per attempt. The potential revenue will accrue to the local governing authority.

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|---|--|--------------|
| <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) >= \$100,000 SGF Fiscal Cost {H & 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} | |

Evan Brasseaux
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