

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 154** HLS 24RS 339
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 29, 2024	9:46 AM	Author: LANDRY, MANDIE
Dept./Agy.: Corrections		
Subject: Prohibited Political Materials and Criminal Penalties		Analyst: Daniel Druilhet

ELECTIONS/CANDIDATES EN SEE FISC NOTE LF EX Page 1 of 1
 Provides for prohibited political materials and applicable criminal penalties

Current law states that the Louisiana Legislature finds a compelling interest in conducting elections in a fair and ethical manner and that it is unethical when any candidate or other person prints or distributes false information on political endorsements, and the legislature finds it essential to the protection of the electoral process that people know who is responsible for political publications and to prohibit misrepresentation of a person, committee, or anyone who speaks, writes, or acts on behalf of a candidate. Proposed law adds that it is essential to the protection of the electoral process that the public not be deceived, misled, or manipulated by false image, audio, or video of a candidate; entitles an affected candidate to an injunction for violations of the prohibition against printing, distributing, transporting, or transmitting unofficial ballots including incorrect identifying information for candidates, photos or likenesses of a candidate containing misrepresentations of endorsements, or false oral, visual, digital, or written statements about a candidate; assesses a penalty of imprisonment for no more than 2 years, w/ or w/o hard labor, or a fine of no more than \$10,000, or both, for distributing or transmitting any oral, visual, digital, or written material containing any image, audio, or video of a candidate or candidate affiliate which he knows or reasonably should know has been intentionally manipulated to be deceptive; provides definitions and parties to whom law does not apply.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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

REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	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

Proposed law may result in an indeterminable increase in Local Funds expenditures for local governing authorities or SGF expenditures to the Department of Public Safety & Corrections - Corrections Services (DPS&C-CS) if a person is convicted of distributing or transmitting any oral, visual, digital, or written material containing any image, audio, or video of a known candidate or affiliate of the candidate which he knows or reasonably should know has been intentionally manipulated to be deceptive. Proposed law is a relative felony, and any impact on either local or state expenditures is contingent on whether offenders sustain either misdemeanor or felony-grade convictions for its violation.

Proposed law may result in an indeterminable increase in SGF expenditures in DPS&C-CS by \$107.60 per offender per day for an offender housed in a state facility, and \$26.39 per offender per day for an offender housed in a local facility. To the extent that offenders sustain a felony-grade conviction for violation of the proposed law, DPS&C-CS may sustain an indeterminable increase in expenditures at the local level. DPS&C-CS advises that impacts on offender populations are anticipated to impact the number of offenders held in local facilities, and that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities. For those convicted, sentenced, and then subsequently housed in a local facility, DPS&C-CS will sustain expenditures of \$26.39 per offender per day.

To the extent that offenders sustain a misdemeanor conviction for violation of the proposed law, local governing authorities may sustain Local Funds expenditures. The exact fiscal impact of the passage of this legislation to local governing authorities is indeterminable, since it is not known how many people will be convicted and incarcerated in local facilities, nor the length of the sentences assessed with those convictions as a result of its potential enactment. The maximum imprisonment term is no more than two years at the local level.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local revenues as a result of convictions of distribution or transmission of any oral, visual, digital, or written material containing any image, audio, or video of a known candidate or affiliate of the candidate which he knows or reasonably should know has been intentionally manipulated to be deceptive. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable because the fines imposed on those convicted are both optional and variable in nature. The potential revenue will accrue to the local governing authority.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}


Patrice Thomas
 Deputy Fiscal Officer