

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



Fiscal Note On: **HB 74** HLS 19RS 518  
 Bill Text Version: **ENROLLED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> June 5, 2019	2:30 PM	<b>Author:</b> LANDRY, T.
<b>Dept./Agy.:</b> Statewide		<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> State Computer-related Crimes & Loss of Property Rights		

CRIME EN SEE FISC NOTE GF EX See Note Page 1 of 2  
 Provides relative to computer-related crimes committed against the state

Proposed law creates the crime of trespass against state computers, provides for elements of the crime, criminal penalties, and definitions. Proposed law provides that certain property of any individual who is convicted of trespass against state computers shall be subject to forfeiture to the state of Louisiana and no property rights shall exist therein: when any property is used or intended to be used to commit or to facilitate the commission of any violation of proposed law or conspiracy to commit proposed law. This includes any property, movable or immovable, which constitutes or is derived from proceeds traceable to proposed law. Proposed law provides that when specific property is forfeited, the district attorney (DA) shall authorize a public sale or a public auction by a licensed auctioneer, without appraisal, of that which is not required by law to be destroyed and which is not harmful to the public. Proposed law provides for the remaining proceeds shall be distributed by the DA in the following manner: 30% to the seizing agency or agencies in an equitable matter, 20% to the prosecuting agency, 20% criminal court fund of the parish in which the offender was prosecuted and 30% to public defender.

<b>EXPENDITURES</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						

<b>REVENUES</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

Proposed law may result in an indeterminable increase in SGF expenditures for the Department of Public Safety and Corrections - Corrections Services if a person is convicted of trespass against state computers. The number of individuals that may be convicted under the provisions of proposed law is indeterminable.

Proposed law provides a **first offense** with a maximum imprisonment term of **three years** with or without hard labor when the elements of the crime contain obtaining, seeking, utilizing, destroying, viewing, or affecting information that has been determined by the state of Louisiana to require protection against unauthorized disclosure for reasons or protecting public health, safety, welfare, or an ongoing law enforcement investigation.

Proposed law provides a **first offense** with a maximum imprisonment term of **three years** with or without hard labor when the elements of the crime contain willfully communicating, delivering, transmitting, or causing or threatening to communicate, deliver, or transmit information to any person not entitled to receive such information when the information has been determined by the state of Louisiana to require protection against unauthorized disclosure for reasons of protecting public health, safety, welfare, or an ongoing law enforcement investigation. An offender that initiates a denial or service attack or introduces malicious or any type of destructive or harmful software or program that negatively affects or impacts such computers, computer servers, computer programs, computer services, computer software, internet-connected devices or computer systems or programs shall also be subject to a maximum imprisonment term of **three years** with or without hard labor.

Proposed law provides for **second or subsequent offenses** with a maximum imprisonment term of **five years** with or without hard labor.

SGF expenditures will increase by \$60.09 per offender per day if an offender is housed in a state facility or \$24.39 for a state offender housed in a local facility. An offender sentenced to the custody of the Department of Public Safety and Corrections - Correction Services for one year would increase SGF expenditures by \$21,992.03 (\$60.09 per day x 366 days) if housed in a state facility and \$8,926.74 (\$24.39 per day x 366 days) if housed in a local facility.

**EXPENDITURE EXPLANATION CONTINUED ON PAGE TWO**

**REVENUE EXPLANATION**

Proposed law may result in an indeterminable increase in Local Funds revenue as a result of potential fines if a person is convicted of trespass against state computers. The maximum fines assessed are: first offense - \$3,000 or \$5,000 depending on the elements of the offense, and second or subsequent offenses - \$10,000. The potential revenue will accrue to the local governing authority. The potential net effect on sentencing decisions cannot be determined and the potential revenue impact is therefore unknown.

**REVENUE EXPLANATION CONTINUED ON PAGE TWO**

<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*  
**Evan Brasseaux**  
**Staff Director**

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**CONTINUED EXPLANATION from page one:**

**EXPENDITURE EXPLANATION CONTINUED FROM PAGE ONE**

Proposed law provides that when specific property is forfeited, the DA shall authorize a public sale or a public auction by a licensed auctioneer, without appraisal, of that which is not required by law to be destroyed and which is not harmful to the public. The fiscal impact to district attorneys is indeterminable, but proceeds of the public sale or auction shall pay the costs of the public sale or auction, court costs, and fees related to the seizure and storage of the property. Present law provides for this service under other statutes.

**REVENUE EXPLANATION CONTINUED FROM PAGE ONE**

Proposed law provides for proceeds from public sale or auction of forfeited property to be distributed by the DA in the following manner: 30% to the seizing agency or agencies in an equitable matter, 20% to the prosecuting agency, 20% criminal court fund of the parish in which the offender was prosecuted, and 30% to public defender in the jurisdiction in which the offender was prosecuted. Such revenues are indeterminable.

Proposed law provides for specific exemptions from forfeiture and sale.

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}

*Evan Brasseaux*

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Staff Director