

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



Fiscal Note On: **HB 237** HLS 23RS 97

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> May 3, 2023	3:03 PM	<b>Author:</b> SCHAMERHORN
<b>Dept./Agy.:</b> Corrections		<b>Analyst:</b> Daniel Druilhet
<b>Subject:</b> Contraband and Correctional Facilities		

CORRECTIONAL FACILITIES EG INCREASE LF EX See Note  
Provides relative to certain activities regarding contraband

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Current law prohibits persons from introducing, possessing, or sending contraband into or from any state correctional institution or municipal or parish jail. Current law provides the current definitions of contraband and contraband in penal institutions. Current law provides that introduction of contraband upon the grounds of any state correctional institution is subject to the same penalties assigned to distribution of a controlled dangerous substance (CDS). Proposed law amends present law to also prohibit persons from attempting to introduce, give, or attempt to give contraband to an inmate of any correctional facility (jail, prison, penitentiary, juvenile institution, temporary holding center, or detention facility). Proposed law also adds any tobacco product defined by present law, hypodermic syringes, needles, and other objects used, intended for use, or designed or use in injecting CDS into the human body, tattooing equipment, and electronic devices as contraband and changes the crime of contraband in penal institutions to contraband in correctional facilities. Proposed law provides that sacramental wine shall be permitted by the warden or his designee and not considered contraband.

<b>EXPENDITURES</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<b>Annual Total</b>						

<b>REVENUES</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</b>	<b>5 -YEAR TOTAL</b>
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<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

Proposed law will likely result in an increase in local expenditures to parish and local jails. Proposed law has the effect of expanding the crime of introducing contraband into or upon the grounds of a state correctional institution to any correctional facility within the state (which adds parish and local jails). Proposed law will likely result in the potential for more convictions, as it covers a larger number of facilities into which introducing contraband can result in conviction and a subsequent sentence of imprisonment. The exact fiscal impact on local expenditures is indeterminable, because there is no way to determine how many persons will be convicted of violating proposed law or the lengths of sentences that will be imposed.

Local expenditures will increase annually by \$9,632.35 (\$26.39 per day x 365 days) for those convicted and subsequently housed in local facilities.

**REVENUE EXPLANATION**

Proposed law will likely result in an indeterminable increase in local revenues as a result of potential fines imposed for conviction of introducing contraband into or upon the grounds of any correctional facility within the state. The exact fiscal impact to local revenues is indeterminable because the fine assessed for offenders convicted of introducing contraband into or upon the grounds of any correctional facility within the state varies (as it aligns with optional fines assessed for distribution of a CDS). 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}

*Evan Brasseaux*  
**Evan Brasseaux**  
**Interim Deputy Fiscal Officer**