

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 895** HLS 24RS 2079
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 9, 2024	4:46 PM	Author: OWEN, CHARLES
Dept./Agy.: Corrections/Sheriffs/Constables		Analyst: Daniel Druilhet
Subject: Unauthorized Persons and Residential Immovable Property		

TRESPASS OR SEE FISC NOTE GF EX Page 1 of 2
 Provides relative to the removal of unauthorized persons from residential immovable property

Proposed law provides that a property owner or his authorized agent may request the sheriff or constable or marshal of the municipality in which the residential immovable is located to remove a person unlawfully occupying property under certain conditions; requires that for requests for removal of unlawful occupants, a residential immovable owner or his authorized agent is required to submit a complete and verified complaint form to the sheriff or constable of the municipality in which the property is located; provides the complaint form; requires a sheriff or constable to verify the person submitting the complaint is the record owner of the property or the authorized agent of the owner; provides for methods and fees for service and requires the sheriff or constable to serve all unlawful occupants a notice to immediately vacate and put the property owner in possession; allows the property owner or authorized agent to request and provide payment for the sheriff to stand by and keep the peace while locks are changed and the unlawful occupant's personal property is removed; provides immunity from liability for the sheriff, constable, property owner, or authorized agent for the loss, destruction, or damage of personal property unless removal was unlawful; allows suits for wrongful removal and remedies - restoration of possession to the property and costs, damages, court costs, and attorney fees; adds criminal mischief and penalties - no more than 6 months imprisonment, or a fine of no more than \$500, or both; adds no more than 5 years imprisonment, w/ or w/o hard labor, a fine of no more than \$5,000, or both for criminal trespass in a manner requiring removal; defines fraudulent sale or lease of immovable property and penalty - 10 years imprisonment, w/ or w/o hard labor, or a fine of no more than \$10,000, or both.

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 SGF expenditures in the Department of Public Safety & Corrections - Corrections Services (DSP&C-CS), if a person is convicted of fraudulent sale or lease of immovable property or criminal trespass in a manner requiring removal. 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. The exact fiscal impact of the passage of this legislation to state or local governing authorities is indeterminable, since it is not known how many people will be convicted, the number of felony or misdemeanor convictions of the proposed law that will occur, nor the length of the sentences assessed with those convictions as a result of its potential enactment.

To the extent that offenders sustain a felony-grade conviction for violation of the proposed law, DPS&C-CS will 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. For those housed in state facilities, DPS&C-CS will sustain expenditures of \$107.60 per offender per day.

To the extent that offenders sustain a misdemeanor conviction for violation of the proposed law, local governing authorities will 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 5 years (criminal trespass requiring removal) or no more than 10 years (fraudulent sale or lease of immovable property) at the local level.

Proposed law may result in an indeterminable increase in Local Funds expenditures to sheriffs, to the extent that those convicted of criminal mischief by detaining, occupying, or trespassing upon the immovable property of another person and intentionally damaging the immovable property in an amount equal to or exceeding \$1,000. Proposed law has the effect of expanding the circumstances under which violations of criminal mischief (a misdemeanor) can occur. The exact fiscal impact to local governing authorities is indeterminable,

CONTINUED ON PAGE 2

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in Local Funds revenues to Sheriffs for serving writs of possession or writs of ejectment or receiving payment from record owners of property or agents for standing by and keeping the peace while locks are changed and personal property of unlawful occupants is removed from immovable property. The exact fiscal impact of the proposed law to Local revenues is indeterminable, as it is silent with respect to the exact fee paid to sheriffs for keeping the peace while locks are changed and personal property is removed, and it is unknown the number of complaints that will be received.

- | | | |
|---|----------------------------|--|
| <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} |


Patrice Thomas
Deputy Fiscal Officer



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 895** HLS 24RS 2079
Bill Text Version: **ORIGINAL**
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: April 9, 2024	4:46 PM	Author: OWEN, CHARLES
Dept./Agy.: Corrections/Sheriffs/Constables		
Subject: Unauthorized Persons and Residential Immovable Property		Analyst: Daniel Druilhet

CONTINUED EXPLANATION from page one:

[CONTINUED ON PAGE 2]

because the sentence of imprisonment is optional, and 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 six months at the local level.

Proposed law may result in an increase in workload to sheriffs, to the extent that sheriffs are required to remove unlawful occupants of property, verify that persons submitting complaint forms for removal of persons unlawfully occupying immovable property are record owners of property and entitled to relief, serve all unlawful occupants a notice to immediately vacate and place rightful owners in possession of property, and stand by and keep the peace while the property owner or agent changes locks and removes the personal property of unlawful occupants. The exact fiscal impact to sheriffs is indeterminable, because it is unknown the number of times that complaints to remove persons unlawfully occupying immovable property will be filed, resulting in an increased workload to sheriffs.

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