Regular Session, 2014

HOUSE BILL NO. 726

BY REPRESENTATIVE IVEY

# FUNDS/FUNDING: Authorizes certain statutorily dedicated funds to be used for special law enforcement initiatives

1	AN ACT
2	To amend and reenact R.S. 11:545(D), R.S. 15:598, R.S. 22:831(B), R.S. 40:1379.3.1(D),
3	1379.7(B), and 1428(A)(4)(b)(introductory paragraph) and (i) and (C), and Code of
4	Criminal Procedure Article 895.1(F)(3)(a), relative to special treasury funds; to
5	provide for the uses of the Department of Public Safety Police Officers Fund, the
6	Criminal Identification and Information Fund, the Louisiana State Police Salary
7	Fund, the Concealed Handgun Permit Fund, the Public Safety DWI Testing,
8	Maintenance, and Training Fund, the Insurance Fraud Investigation Fund, and the
9	Sex Offender Registry Technology Fund; to authorize the use of certain monies in
10	such funds for special law enforcement initiatives; and to provide for related matters.
11	Be it enacted by the Legislature of Louisiana:
12	Section 1. R.S. 11:545(D) is hereby amended and reenacted to read as follows:
13	§545. Department of Public Safety Peace Officers Fund
14	* * *
15	D. The monies in the fund shall be used for funding retirement benefits for
16	peace officers, as defined in R.S. 40:2402(1)(a), employed by the Department of
17	Public Safety and Corrections, office of state police, other than state troopers. Any
18	monies in the fund not used for retirement benefits as provided in this Section may
19	be used for special law enforcement initiatives and to support the operations of the
20	Department of Public Safety and Corrections, Capitol Complex Police Force.
21	* * *

### Page 1 of 7

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1
T

2

Section 2. R.S. 15:598 is hereby amended and reenacted to read as follows:

### §598. Criminal Identification and Information Fund

3 All fees imposed and collected pursuant to R.S. 15:587 or any other provision 4 of law in this Chapter shall be forwarded upon receipt to the state treasurer for immediate deposit into the state treasury. After compliance with the requirements 5 of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond 6 7 Security and Redemption Fund, and prior to monies being placed in the state general 8 fund, an amount equal to that deposited as required in this Section shall be credited 9 to a special fund hereby created in the state treasury designated as the Criminal 10 Identification and Information Fund. All monies in this fund shall annually be 11 appropriated by the legislature to the state police, may be withdrawn only pursuant 12 to such appropriation, and shall be used solely and exclusively by the state police to assist in carrying out the provisions of this Chapter and for special law enforcement 13 14 initiatives. Monies in the fund shall be invested by the state treasurer in the same 15 manner as monies in the state general fund. Interest earned on the investment of 16 monies shall be credited to this fund following compliance with the requirements of 17 Article VII, Section 9(B) relative to the Bond Security and Redemption Fund. All 18 unexpended and unencumbered monies in the fund at the end of each fiscal year shall 19 remain in the fund.

20 Section 3. R.S. 22:831(B) is hereby amended and reenacted to read as follows:

21 §831. Fire, marine, transportation, casualty, surety, or other insurance

22

\* \*

B. There is hereby created in the state treasury the Louisiana State Police
Salary Fund. Monies in the Louisiana State Police Salary Fund shall be used in
amounts appropriated by the legislature to cover the cost of salary increases and
related benefits for members of the state police service and for special law
enforcement initiatives. Taxes collected under the provisions of this Section in
Fiscal Year 2002-2003 and ensuing fiscal years that are in excess of total collections
under the provisions of this Section in Fiscal Year 2000-2001, after first having been

1	credited to the Bond Security and Redemption Fund as required by Article VII,
2	Section 9(B) of the Louisiana Constitution, shall be deposited into the Louisiana
3	State Police Salary Fund until the amount deposited in each fiscal year is equal to
4	fifteen million six hundred thousand dollars.
5	* * *
6	Section 4. R.S. 40:1379.3.1(D), 1379.7(B), and 1428(A)(4)(b)(introductory
7	paragraph) and (i) and (C) are hereby amended and reenacted to read as follows:
8	§1379.3.1. Concealed Handgun Permit Fund; assessment and disposition of fees
9	* * *
10	D. The monies in the Concealed Handgun Permit Fund shall be used solely
11	for administration of the concealed handgun permit process and for special law
12	enforcement initiatives.
13	* * *
14	§1379.7. Public Safety DWI Testing, Maintenance, and Training Fund; uses
15	* * *
16	B. After compliance with the requirements of Article VII, Section 9(B) of
17	the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
18	and prior to monies being placed in the state general fund, the treasurer shall credit
19	an amount equal to the total amount of such costs received to a special fund which
20	is hereby created in the state treasury and designated as the Public Safety DWI
21	Testing, Maintenance, and Training Fund. The monies in the described fund shall
22	be used solely to fund activities of the office of state police in executing its
23	responsibilities in the purchase and maintenance of equipment and supplies for use
24	in breath, blood, or urine analysis as related to violations of R.S. 14:98 or 98.1;
25	training in the maintenance and usage of testing equipment; and other such related
26	expenses as may be necessary in the efficient and effective administration of those
27	duties; and for special law enforcement initiatives. The monies in the fund shall be
28	used only in the amounts appropriated by the legislature. All unexpended and
29	unencumbered monies in the fund at the end of the fiscal year shall remain in the

## Page 3 of 7

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	fund. The monies in the fund shall be invested by the treasurer in the same manner
2	as monies in the state general fund. All interest earned on monies in the fund
3	invested by the treasurer shall be credited to the Public Safety DWI Testing,
4	Maintenance, and Training Fund.
5	* * *
6	§1428. Special assessment; creation of fund
7	А.
8	* * *
9	(4)
10	* * *
11	(b) Except as otherwise provided in Subparagraph (a) of this Paragraph, the
12	fees collected shall be used solely for the purposes of this Subpart and special law
13	enforcement initiatives and shall be allocated as follows:
14	(i) Seventy-five percent of the fees collected shall be allocated to the
15	insurance fraud investigation unit within the office of state police for the insurance
16	fraud investigation unit and special law enforcement initiatives.
17	* * *
18	C. After compliance with the requirements of Article VII, Section 9(B) of
19	the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
20	an amount equal to that deposited as required by Subsection B of this Section shall
21	be credited to a special fund hereby created in the state treasury to be known as the
22	Insurance Fraud Investigation Fund. The monies shall be irrevocably dedicated and
23	deposited in the Insurance Fraud Investigation Fund and shall be used solely as
24	provided in Subsection A of this Section and only in the amounts appropriated by the
25	legislature. Monies in the fund shall be appropriated, administered, and used solely
26	and exclusively for purposes of the fraud unit, fraud support unit, insurance fraud
27	section, LATIFPA, special law enforcement initiatives, and as further provided in
28	this Section. All unexpended and unencumbered monies in this fund at the end of
29	the fiscal year shall be refunded to each insurer licensed by the Department of

1	Insurance to conduct business in this state assessed a fee pursuant to this Section on
2	a pro-rata basis based on each insurer's proportionate share of the total fees collected
3	pursuant to this Section.
4	* * *
5	Section 5. Code of Criminal Procedure Article 895.1(F)(3)(a) is hereby amended and
6	reenacted to read as follows:
7	Art. 895.1. Probation; restitution; judgment for restitution; fees
8	* * *
9	F. When the court places the defendant on supervised probation, it shall
10	order as a condition of probation the payment of a monthly fee of eleven dollars.
11	The monthly fee established in this Paragraph shall be in addition to the fee
12	established in Paragraph C of this Article and shall be collected by the Department
13	of Public Safety and Corrections and shall be transmitted, deposited, appropriated,
14	and used in accordance with the following provisions:
15	* * *
16	(3) The monies in the Sex Offender Registry Technology Fund shall be
17	appropriated as follows:
18	(a) For Fiscal Year 2006-2007, the amount of one hundred ninety thousand
19	dollars to the Department of Public Safety and Corrections, office of state police, to
20	be used in the administration of programs for the registration of sex offenders in
21	compliance with federal and state laws, and support of community notification
22	efforts by local law enforcement agencies. For Fiscal Years 2007-2008 through
23	2009-2010, the amount to be appropriated under this Subparagraph shall be twenty-
24	five thousand dollars. For Fiscal Years 2010-2011, and thereafter, the amount to be
25	appropriated to the Department of Public Safety and Corrections, office of state
26	police, shall be twenty-five thousand dollars for the purposes of maintaining and
27	administering the programs for the registration of sex offenders pursuant to this
28	Subparagraph and special law enforcement initiatives.
29	* * *

## Page 5 of 7

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Ivey

HB No. 726

Abstract: Permits monies in certain special treasury funds dedicated to the office of state police for specific purposes to also be used for special law enforcement initiatives. The funds are: the Dept. of Public Safety Peace Officers Fund, the Criminal Identification and Information Fund, the Concealed Handgun Permit Fund, the Public Safety DWI Testing, Maintenance, and Training Fund, the Insurance Fraud Investigation Fund, and the Sex Offender Registry Technology Fund.

<u>Present law</u> provides that monies in the Dept. of Public Safety Peace Officers Fund shall be used for funding retirement benefits for peace officers employed by office of state police other than state troopers. Any monies in the fund not used for retirement benefits may be used to support the operations of the Capitol Complex Police Force.

<u>Proposed law</u> retains <u>present law</u> and additionally permits any monies in the fund not used for retirement benefits to be used for special law enforcement initiatives.

<u>Present law</u> provides that monies in the Criminal Identification and Information Fund shall be used solely and exclusively by the state police to assist in carrying out the provisions of <u>present law</u> regarding the Louisiana Bureau of Criminal Identification and Information.

<u>Proposed law</u> additionally permits the fund to be used by state police for special law enforcement initiatives.

<u>Present law</u> provides that money in the Louisiana State Police Salary Fund shall be used to cover the cost of salary increases and related benefits for members of state police.

<u>Proposed law</u> additionally permits monies in the fund to be used for special law enforcement initiatives.

<u>Proposed law</u> provides that the monies in the Concealed Handgun Permit Fund shall be used solely for administration of the concealed handgun permit process.

<u>Proposed law</u> additionally permits monies in the fund to be used for special law enforcement initiatives.

<u>Present law</u> provides that monies in the Public Safety DWI Testing, Maintenance, and Training Fund shall be used solely to fund activities of the office of state police in executing its responsibilities in the purchase and maintenance of equipment and supplies for use in breath, blood, or urine analysis as related to certain violations; training in the maintenance and usage of testing equipment; and other such related expenses as may be necessary in the efficient and effective administration of those duties.

<u>Proposed law</u> additionally permits monies in the fund to be used to fund activities of the office of state police for special law enforcement initiatives.

<u>Present law</u> allocates monies out of the Insurance Fraud Investigation Fund. 75% of the fees collected shall be allocated to the insurance fraud investigation unit within the office of state police, 15% to the Dept. of Justice, and 10% to the Dept. of Insurance.

#### Page 6 of 7

<u>Proposed law</u> permits the monies allocated out of the fund to state police to be used for the insurance fraud investigation unit and for special law enforcement initiatives.

<u>Present law</u> provides for distributions out of the Sex Offender Registration Technology Fund. Provides that \$25,000 shall be distributed annually to the office of state police for the purposes of maintaining and administering the programs for the registration of sex offenders.

<u>Proposed law</u> permits the allocation for state police to also be used for special law enforcement initiatives.

(Amends R.S. 11:545(D), R.S. 15:598, R.S. 22:831(B), R.S. 40:1397.3.1(D), 1379.7(B), and 1428(A)(4)(b)(intro. para.) and (i) and (C), and C.Cr.P. Art. 895.1(F)(3)(a))