



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 675** HLS 25RS 1395
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action: **W/ SEN FLOOR AMD**
 Proposed Amd.:
 Sub. Bill For.: HB 572

Date: June 9, 2025	2:19 PM	Author: GLORIOSO
Dept./Agy.: State Police/Treasury/Judiciary/Public Defender/District		Analyst: Daniel Druilhet
Subject: Post-Conviction Relief		

CRIMINAL/PROCEDURE REF INCREASE GF EX See Note Page 1 of 2
 Provides relative to post conviction relief

Current law provides for rules, procedures, grounds for dismissal, burden of proof relative to the post-conviction relief (PCR) process. Proposed law provides that a petitioner who pled guilty or nolo contendere to the offense of conviction shall not be entitled to assert a claim of factual innocence in any PCR application that is filed on or after 8/01/25; provides that a defendant waives attorney-client privilege as to any information necessary to the state to rebut the claim if he asserts ineffective assistance of counsel; requires preliminary review of PCR petitions for compliance with limitations for relief; provides for notice to the AG if certain applications are filed, procedures for those that cannot be summarily dismissed, and AG's responsibility relative to state petitions and capital cases pending as of 7/01/26; requires claims with shell petitions to be fully adjudicated no later than 7/01/26, unless court has good cause to extend it (and in no case no later than 1/01/27) and adds as an exception if the application is filed on or before 8/01/27 and within two years after judgment of conviction and sentence has become final; allows the AG to file objections to the PCR application if DA waives; provides that a PCR application is abandoned if the petitioner fails to file any pleading in furtherance of the disposition of the application for a period of two years following the petition's filing; provides for motions for extension of time; provides for suspensive appeals of orders granting PCR; reduces time of filing new pleadings in capital PCR matters from no later than 7 to no later than 45 days prior to execution date, and in adjudicating capital PCR applications to 21 days prior to execution date; provides for dismissal based on prejudice for failure to timely file an application; allows Public Defender to seek additional supplemental funding.

EXPENDITURES	2025-26	2026-27	2027-28	2028-29	2029-30	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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					
Annual Total						
REVENUES	2025-26	2026-27	2027-28	2028-29	2029-30	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	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law will likely result in an indeterminable, but significant, increase in SGF expenditures in the Office of the State Public Defender (\$4.2 M), and an increased workload in the Attorney General and district attorneys.

Office of the State Public Defender

Proposed law will likely result in an increase of \$4.2 M SGF expenditures in FY 26 in the Office of the State Public Defender, to the extent that offices contracted by the Office of the State Public Defender to perform capital services would be required to increase the number of staff for time limitations and adjustments imposed on shell petitions and evidentiary hearings that are contemplated in the proposed law. Currently, the Mwalimu Center for Justice has manpower on staff to represent 12 of the 40 capital post-conviction cases that the Office of the State Public Defender is responsible for at the post-conviction stage. The proposed law would require program contract amounts to be increased, which is also true for post-conviction expert witness funds, which are annually appropriated in the amount of \$365,000. To address the manpower issue, program offices would require \$3.8 M in funding, along with \$365,000 for the Expert Witness Fund.

Mwalimu Center for Justice	\$ 3,795,105
Expert Witness Fund	\$ 365,000
Total SGF Increase (FY 26)	\$ 4,160,105

Note: The Office of the State Public Defender advises that should the legislature grant the agency an additional \$4.2 M SGF to comply with the proposed law, the agency may request an additional \$12.5 M in FY 26 to remain compliant with R.S. 15:167(E). To the extent that the Office of the State Public Defender incurs any additional expenditures for capital post-conviction relief cases, there may be additional funding appropriated by the legislature. Proposed law provides that if in any fiscal year the state public defender determines, based upon a review of pending litigation in capital post-conviction relief cases, that insufficient funds exist to provide counsel for these cases, he may request supplemental funding on a case-by-case basis, from the Joint Legislative Committee on the Budget distributed from the Overcollections Fund, and that the state public defender and AG may submit a report to the committee prior to it taking action upon a request. According to LaGov, the Overcollections Fund has a balance of \$1 M as of 6/09/25.

[CONTINUED ON PAGE TWO]

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>
<input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}		<input checked="" 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



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CONTINUED EXPLANATION from page one:

[CONTINUED FROM PAGE ONE]

District Courts, Supreme Court, District Attorneys and the Attorney General

Proposed law may result in an indeterminable increase in workload in district attorneys' offices, district courts, the Office of the Attorney General, and the Louisiana Supreme Court to the extent that additional hearings are held on post-conviction relief. The exact fiscal impact to district attorneys, district courts, the Office of the Attorney General, and the Louisiana Supreme Court is indeterminable, because it is unknown the number of instances in which hearings on these matters will be scheduled under proposed law as a result of filings submitted by individuals seeking post-conviction relief. Proposed law has the effect of potentially increasing the number of filings and related hearings for post-conviction relief involving local district attorneys, district courts, the AG, and the Louisiana Supreme Court, and an increased workload within the respective offices. The exact fiscal impact of the proposed law to district attorneys, district courts, the AG, and the Louisiana Supreme Court is indeterminable, but district attorneys expect that the increased workload can be absorbed using existing staff.

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}


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