

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



Fiscal Note On: **HB 249** HLS 17RS 826

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action: **w/ SEN COMM AMD**

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> June 5, 2017	7:00 AM	<b>Author:</b> MAGEE
<b>Dept./Agy.:</b> Corrections		<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Fines, fees, costs, restitution, and other monetary obligations		

CRIMINAL/PENALTIES

RE1 SEE FISC NOTE GF EX See Note

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Provides relative to the payment of fines, fees, costs, restitution, and other monetary obligations related to an offender's conviction

Proposed law amends, reenacts and enacts certain parts of the Code of Criminal Procedure Articles relative to the financial obligations for criminal offenders relative to the payment of fines, fees, costs, restitution, and other monetary obligations related to an offender's conviction. Proposed law requires the court to determine the offender's ability to pay the financial obligations imposed. It also authorizes the court to waive, modify, or create a payment plan for the offender's financial obligations. It also provides for the recovery of uncollected monetary obligations at the end of a probation period, disbursement of collected payments and authorizes the court to impose certain conditions in lieu of payment in certain situations. Proposed law provides for penalties imposed when an offender fails to make certain payments or fails to appear for a hearing relative to missed payments, requires notice to an offender upon his failure to make certain payments and provides for related matters. Proposed law provides as an option unpaid monetary obligations may be referred to the office of debt recovery. Proposed law (Art. 875.1.) shall only apply to certain defendants convicted of offenses classified as felonies.

<b>EXPENDITURES</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	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					
<b>Annual Total</b>						

<b>REVENUES</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	SEE BELOW					
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	SEE BELOW					
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

Proposed law may result in an indeterminable decrease in SGF expenditures by the Department of Public Safety and Corrections - Corrections Services to the extent individuals are no longer housed in correctional facilities as a result of non-payment of fines, fees, costs, restitution, and other monetary obligations related to an offender's conviction.

SGF expenditures will decrease by \$51.90 per offender per day if an offender was 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 decrease SGF expenditures by \$18,943.50 (\$51.90 per day x 365 days) if housed in a state facility and \$8,902.35 (\$24.39 per day x 365 days) if housed in a local facility. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

Proposed law may result an indeterminable impact on local funds expenditures for housing local offenders in local facilities to the extent individuals are no longer housed in correctional facilities as a result of non-payment of fines, fees, costs, restitution, and other monetary obligations related to an offender's conviction.

**REVENUE EXPLANATION**

Proposed law may result in an indeterminable increase in SGR and local revenues as a result of individuals having additional mechanisms for payment of fines, fees, costs, restitution, and other monetary obligations related to an offender's conviction. The LFO is unable to determine the degree to which individuals may be impacted under the provisions of the proposed law.

The Louisiana District Attorneys Association (LDAA) reports that the proposed law may result in a potential decrease in local revenues of up to a maximum \$10.31 M. The LDAA illustrates potential revenue losses using the LA Supreme Court 2015 Annual Report detailing 148,946 criminal court cases (\$2.98M) and 366,387 traffic cases (\$7.33M). The office of the district attorney is generally entitled to collect approximately \$20 per case in court costs. LDAA also reports that increased waiver, reduction and/or forgiveness of fines will negatively impact revenues on the local level associated with criminal courts of parishes in areas such as recording, transcribing of testimony, statements, charges and other proceedings in the trial of indigent persons charged with the commission of felonies, in defraying their expenses. NOTE: While the illustration provided by LDAA may identify a potential maximum exposure to revenue loss, the proposed law appears to intend to waive such fees only for those that cannot reasonably be expected to pay. It is unclear whether such waivers would result in a material difference in current collections. Proposed law's apparent intent is to diminish additional fines and incarceration due to an individual's inability to pay and to allow for flexibility in creating a direct or indirect means at restitution.

**CONTINUED ON PAGE TWO**

- 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**  
**Staff Director**

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**CONTINUED EXPLANATION from page one:**  
**REVENUE EXPLANATION CONTINUED FROM PAGE ONE**

The LDAA reports that an additional indeterminable potential decrease in local funds revenues may occur in the event fines are waived, reduced or forgiven that would accrue to the Criminal Court Fund. This fund uses proceeds to defray expenses of criminal courts, associated trial costs and other related expenditures. Similar to the note above, the LFO is uncertain whether such waivers would create a material difference in current collections if targeted to those with an inability to pay.

To the extent that waivers, reduction or forgiveness of fees and fines may grow to a material size, there is a real potential that the aforementioned funds may realize a significant decrease in revenue deposits. But it is unclear to the LFO whether this may occur, and to what degree monies currently deposited into the fund are paid by the intended target population of individuals (those with financial hardship that cause an inability to pay).

Proposed law (Art. 875.1.) Determination of substantial financial hardship to the defendant - shall only apply to certain defendants convicted of offenses classified as felonies. LFO cannot determine the impact this will have on the District Attorneys, the courts nor the Clerks of Courts. It will likely decrease its projected revenue loss as it is applicable to felonies under applicable law.

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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