

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 398** HLS 18RS 3
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 3, 2018 8:15 AM	Author: JAMES
Dept./Agy.: Clerks of Court / DAs / Sheriffs / Public Safety & Corrections	Analyst: Monique Appeaning
Subject: Expungements	

CRIMINAL/PROCEDURE OR DECREASE SG RV See Note Page 1 of 1
 Provides for exemption of expungement fees in certain circumstances

Proposed law provides for an exemption of fees in certain expungement cases.

EXPENDITURES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	SEE BELOW	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	\$0	\$0	\$0	\$0	\$0
Annual Total		\$0	\$0	\$0	\$0	\$0

REVENUES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Annual Total						

EXPENDITURE EXPLANATION

There is no anticipated direct material effect on state governmental expenditures as a result of this measure. Proposed law adds "applicants who possess an industry-based certificate or a post-secondary education certification, associate degree, or baccalaureate degree" to the list of exemptions of expungement fees in present law. *NOTE: To the extent there are internal administrative operational changes, entities impacted may incur one-time costs associated with programming updates.*

REVENUE EXPLANATION

To the extent individuals are granted an exemption based on proposed law, it will result in an indeterminable decrease in state and local revenues. The exact number of qualifying individuals that may seek expungement is not known and therefore cannot be projected.

Present law provides for a maximum fee of \$550 to process a court ordered expungement of any record of arrest notwithstanding certain exceptions. Present law provides for nonrefundable processing fees for a court order expunging a record. The Louisiana Bureau of Criminal Identification and Information may charge \$250, a sheriff may charge \$50, a district attorney may charge \$50, and a clerk of court may charge a maximum of \$200 to cover the costs of the expungement. The clerk of court shall collect all processing fees at the time the motion for expungement is filed. The Louisiana Bureau of Criminal Identification and Information processing fee shall be deposited into the **Criminal Identification and Information Fund**. The sheriff and district attorney processing fees shall be remitted in equal proportions to the office of the **district attorney and the sheriff's general fund**. These processing fees are nonrefundable, even if the court does not grant the motion for expungement.

Present law provides for certain exemptions of expungement fees. Proposed law adds to the list of exemptions of expungement fees, applicants who possess an industry-based certificate or a post-secondary education certification, associate degree, or baccalaureate degree.

For informational purposes, the Department of Public Safety and Corrections - Public Safety Services reports that over the last five years, it processed an average of 4,950 expungements per year resulting in \$1,237,500 (\$250 fee x 4,950 individuals requesting an expungement) annual revenue.

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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