

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 156** SLS 19RS 346

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 10, 2019	1:38 PM	Author: RISER
Dept./Agy.: Public Safety		Analyst: Willis Brewer
Subject: Access to criminal history information in certain civil cases		

DOMESTIC VIOLENCE OR SEE FISC NOTE SD EX Page 1 of 1
Provides for access to criminal history information in civil cases of domestic violence, human trafficking, and sexual assault. (8/1/19)

Proposed law retains present law and adds entities which provide shelter or assistance to victims of domestic violence, human trafficking, and sexual assault to the list of agencies that can obtain a criminal history information background check. Proposed law retains present law and provides that a licensed La. attorney who is counsel of record in civil cases involving a victim of domestic violence, human trafficking, or sexual assault may obtain criminal history records from the La. Bureau of Criminal Investigation (LBCI) related to the defendant and witnesses in that civil case. Proposed law further provides that a pro se litigant may also obtain the same information that an attorney may obtain so long as the pro se litigant obtains a court order from the judge assigned to the civil case. Proposed law retains present law and adds La. attorneys who are counsel of record to victims in civil cases involving domestic violence, human trafficking, and sexual assault and their licensed investigators to the list of entities who may obtain the criminal history records by paying the fee to the LBCI.

EXPENDITURES	2019-20	2020-21	2021-22	2022-23	2023-24	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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						

REVENUES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						

EXPENDITURE EXPLANATION

Proposed law may create an increased workload and corresponding Statutorily Dedicated expenditures for the Department of Public Safety (DPS), Office of State Police (OSP) to allow for fingerprint-based criminal history background checks of the state and federal databases for entities with volunteers or employees dealing with victims of domestic violence, human trafficking, or sexual assault and for attorneys that are representing a victim of domestic violence, human trafficking, or sexual assault or a pro se litigant to access state and federal criminal history records on a certain individual who is a defendant or a witness in the civil cases in which the attorney is counsel of record. After first receiving approval from the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Criminal Justice Information Law Unit (CJILU) to allow for the sharing of the criminal history with these entities, OSP's Louisiana Computerized Criminal History (CCH) system will be used to accomplish the proposed law's requirements.

The number of additional requests that may arise cannot be determined at this time. OSP anticipates that it can use existing staff and resources to comply with proposed law. However, to the extent the increased workload overextends the current staff capacity, additional personnel or overtime expenditures may be needed.

REVENUE EXPLANATION

Proposed law will create an indeterminate increase in Department of Public Safety (DPS), Office of State Police (OSP) statutory dedicated revenues from the potential increase in background checks. OSP receives \$26 from each state background check, \$2 for each Federal background check, and \$10 for fingerprints taken by OSP. All of these fees are deposited as statutory dedications into the Criminal Identification and Information Fund. The number of additional background checks that may arise cannot be determined at this time.

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
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Staff Director