

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 604** HLS 21RS 850

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

REVISED

| | | |
|---|---------|----------------------------------|
| Date: April 27, 2021 | 8:51 AM | Author: JAMES |
| Dept./Agy.: State Police/District Attorneys/Courts | | Analyst: Rebecca Robinson |
| Subject: Expungement of records | | |

CRIMINAL/RECORDS

OR INCREASE GF EX See Note

Page 1 of 2

Provides relative to expungement of records

Proposed law provides for a comprehensive revision to the statutory provisions regarding the expungement of misdemeanor and felony convictions. Provides a petition-based expungement of record of arrest that did not result in conviction. Provides for a petition-based expungement of a record of arrest and conviction of a misdemeanor and felony offenses. Provides relative to the costs associated for a petition-based expungement of a record, and provides that a person shall not be charged any costs for a government initiated expungement of records. Provides for government initiated expungement of a fingerprinted record of arrest that did not result in a conviction, and a fingerprinted record of arrest and conviction of misdemeanor and felony offenses. Provides for a certificate of compliance confirming a government initiated expungement of a fingerprinted record. Provides relative to the transmission of data to complete and serve a government initiated fingerprinted and non-fingerprinted expungement. The implementation of the new expungement process shall be as follows: 1) petition-based expungements in FY 22; 2) government initiated expungement of fingerprinted records in FY 23; 3) government initiated expungement of non-fingerprinted records in FY 24; and 4) full implementation of the proposed law in FY 25. Proposed law repeals Code of Criminal Procedure (CCRP) Articles 978(E)(2), 984, and 996.

| EXPENDITURES | 2021-22 | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 5 -YEAR TOTAL |
|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|----------------------|
| State Gen. Fd. | \$6,791,348 | \$3,602,199 | \$3,609,891 | \$3,617,879 | \$3,638,872 | \$21,260,189 |
| 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 | \$7,410,000 | \$7,410,000 | \$7,410,000 | \$7,410,000 | \$7,410,000 | \$37,050,000 |
| Annual Total | \$14,201,348 | \$11,012,199 | \$11,019,891 | \$11,027,879 | \$11,048,872 | \$58,310,189 |

| REVENUES | 2021-22 | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 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 will be an increase in the SGF expenditures by the Department of Public Safety Services - Louisiana State Police (LSP) as a result of the proposed law. The proposed law provides a schedule of implementation over four years (FY 22 – FY 25) and LSP reports an increase in SGF expenditures of approximately \$2 M in FY 22 falling to approximately \$670,000 in each subsequent fiscal year. LSP reports a large workload increase to accomplish the duties described in the proposed law, which will require overtime for existing employees as well as adding 5 new T.O. positions in FY 22 (Criminal Records Analyst 2). LSP reports they will need to contract with the Office of Technology Services (OTS) in order to upgrade their computer systems for fingerprints and criminal histories. *See table on page 2 for detailed expenditures.*

There will be an increase in the SGF expenditures of the Louisiana Supreme Court (LSC) as a result of the proposed law. The Case Management Information System Division (CMIS division) at the LSC reports increased expenditures of approximately \$2.4 M in FY 22 falling to approximately \$580,000 in each subsequent fiscal year. The CMIS division reports increased expenditures of \$2.2 M to enhance and upgrade the case management systems at the LSC, the district courts, and the city courts; and an annual cost of \$370,000 for maintenance of the upgraded system. The CMIS division also reports a large workload increase to accomplish the duties described in the proposed law, which will require 2 new T.O. positions (Attorney and an Administrative Assistant). *See table on page 2 for detailed expenditures.* **[CONTINUED ON PAGE 2]**

REVENUE EXPLANATION

There will be a decrease in revenue to the statutorily dedicated Criminal Identification Fund of the Department of Public Safety - Louisiana State Police (LSP) as a result of the proposed law. Beginning in FY 23 and FY 24, LSP reports they will begin to lose an indeterminable amount of revenue as the phased automated expungement process is being implemented. In FY 25 and thereafter, LSP estimates an annual revenue loss of approximately \$1 M as a result of the removal of the \$250 expungement fee to LSP.

There will likewise be an indeterminable decrease in self-generated revenue to local Sheriff's departments, District Attorney's offices, and Clerks of Courts as a result of the full implementation of the proposed law.

Note: The Code of Criminal Procedure Article 983 provides for the cost of expungements. The current total cost to obtain a court order expunging a record shall not exceed \$550. The fees are allocated as follows: LSP \$250; Sheriff's Department \$50; District Attorney \$50; and Clerk of Court \$200.

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}

Alan M. Boxberger

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Staff Director



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CONTINUED EXPLANATION from page one:

[CONTINUED EXPENDITURE EXPLANATION FROM PAGE 1]

There will be an increase in the SGF expenditures and local expenditures for the Offices of the District Attorneys (D.A.). The Louisiana District Attorney's Association (LDAA) estimates approximately a \$9.76 M increase to the expenditures of D.A.'s offices, **with \$2.35 M in SGF expenditures and \$7.41 M in local expenditures**. The Louisiana District Attorney's Association (LDAA) reports a large workload increase to accomplish the duties of the proposed law, which will require a significant increase in staff. The LDAA estimates needing an additional 47 Assistant District Attorneys (A.D.A.s), with most offices needing 1 additional attorney and 2-3 offices needing more than 1 attorney due to larger populations. The LDAA estimates an increased annual cost of \$3.76 M for the additional attorneys, with \$2.35 M paid by SGF and \$1.41 M paid by the local D.A.'s offices. The LDAA estimates needing 150 additional support staff spread across all D.A.s offices, with most offices needing 1 additional employee and 2-3 offices needing more than 1 due to larger populations. The LDAA estimates an increased annual cost of \$6 M for the additional support staff, with the expenditures to be paid by the local D.A.'s offices. The personnel services costs provided by the LDAA do not include related benefits.

There will be a significant increase in LF expenditures for Clerks of Court Offices statewide. Likewise, local Sheriff's may realize an expenditure impact. The extent of such expenditure impact is unknown, and the LFO will communicate with the relevant associations to gather additional information, which will be updated in this fiscal note when available.

Estimated expenditures for the Louisiana State Police

| | FY 21/22 | FY 22/23 | FY 23/24 | FY 24/25 | FY 25/26 |
|--|--------------------|------------------|------------------|------------------|------------------|
| Salaries | \$179,505 | \$179,505 | \$179,505 | \$179,505 | \$179,505 |
| Overtime | \$15,000 | \$15,000 | \$15,000 | \$15,000 | \$15,000 |
| Related Benefits | <u>\$124,585</u> | <u>\$124,585</u> | <u>\$124,585</u> | <u>\$124,585</u> | <u>\$124,585</u> |
| Total Personnel Services | \$319,090 | \$319,090 | \$319,020 | \$319,020 | \$319,020 |
| IAT (to OTS) | \$1,697,008 | \$351,500 | \$351,500 | \$351,500 | \$351,500 |
| Other Operating Services, Office Supplies, Acquisitions | <u>\$20,805</u> | <u>\$2,375</u> | <u>\$2,375</u> | <u>\$2,375</u> | <u>\$12,700</u> |
| Grand Total LSP Expenditures | \$2,036,923 | \$672,965 | \$672,965 | \$672,965 | \$685,665 |

Estimated Expenditures for the Louisiana Supreme Court - CMIS Division

| | FY 21/22 | FY 22/23 | FY 23/24 | FY24/25 | FY 25/26 |
|---|--------------------|------------------|------------------|------------------|------------------|
| Salaries | \$120,000 | \$124,800 | \$129,792 | \$134,984 | \$140,383 |
| Related Benefits | <u>\$81,325</u> | <u>\$83,934</u> | <u>\$86,634</u> | <u>\$89,430</u> | <u>\$92,324</u> |
| Total Personnel Services | \$201,325 | \$208,734 | \$216,426 | \$224,414 | \$232,707 |
| Office Supplies, Acquisitions | \$3,100 | \$500 | \$500 | \$500 | \$500 |
| Upgrade/Enhancement of case management system and maintenance | <u>\$2,200,000</u> | <u>\$370,000</u> | <u>\$370,000</u> | <u>\$370,000</u> | <u>\$370,000</u> |
| Grand Total LSC Expenditures | \$2,404,425 | \$579,234 | \$586,926 | \$594,914 | \$603,207 |

Note: The CMIS Division is funded by the statutorily dedicated Trial Court Case Management Information Fund. The LSC reports that the CMIS division's revenue has been declining and they have operated at a deficit the past two fiscal years, with LSC supplementing their budget. **For this reason, the LFO assumes that these increased expenditures to the CMIS division would be funded by the SGF.**

Estimated expenditures for the LA District Attorney's Association

| | FY 21/22 | FY 22/23 | FY 23/24 | FY24/25 | FY 25/26 |
|------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Total Estimated Expenditures | | | | | |
| SGF | \$2,350,000 | \$2,350,000 | \$2,350,000 | \$2,350,000 | \$2,350,000 |
| Local | <u>\$7,410,000</u> | <u>\$7,410,000</u> | <u>\$7,410,000</u> | <u>\$7,410,000</u> | <u>\$7,410,000</u> |
| | \$9,760,000 | \$9,760,000 | \$9,760,000 | \$9,760,000 | \$9,760,000 |

NOTE: The LFO cannot corroborate the workloads detailed by the impacted agencies. However, the expungement process will involve significant manual processing of individual files and require pulling hard copy records in many cases.

Senate
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
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