

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 109** SLS 21RS 344

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 26, 2021 9:12 PM	Author: FOIL
Dept./Agy.: Courts/District Attorneys	Analyst: Rebecca Robinson
Subject: Criminal Procedure	

CRIMINAL PROCEDURE OR INCREASE GF EX See Note
Provides relative to postconviction relief. (8/1/21)

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Proposed law provides for scope of applicability of the Code of Criminal Procedure relative to post conviction relief in non-capital cases and post conviction relief in capital cases.

EXPENDITURES	2021-22	2022-23	2023-24	2024-25	2025-26	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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						
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	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						

EXPENDITURE EXPLANATION

There will be an indeterminable increase in expenditures to the Department of Justice (DOJ) to the extent the proposed law increases the number of filings of applications for post conviction relief. The proposed law liberalizes the rules for filing an application for post conviction relief and the DOJ reports this will result in bigger caseloads among appellate attorneys and staff. The proposed law adds new grounds for filing an application for post conviction relief (new evidence of factual innocence), which will increase the number of applications requiring the DOJ's response. The proposed law adds new provisions relating to factual development and discovery, which would increase the time and effort required on the part of DOJ staff on each of these cases. The proposed law allows for convicted criminal offenders to request and receive case file documents from the DOJ at no cost to the offender. The DOJ reports they may need an additional 4 attorneys, 1 administrative assistant, and 1 investigator to handle the additional workload, with an increased annual expenditure of \$675,634 (salaries + related benefits). The DOJ also reports increased one-time expenditures of \$46,000 for operating expenses and \$31,164 in acquisitions. To the extent the workload may be less than projected, the expenditure exposure would decrease accordingly.

There will be an indeterminable increase in expenditures of the Courts of Appeal and the Louisiana Supreme Court (LSC) to
[CONTINUED ON PAGE 2]

REVENUE EXPLANATION

There will be an indeterminable increase in the self-generated revenue of the Judicial District Courts, the Courts of Appeal and the Louisiana Supreme Court to the extent the proposed law results in an increase in applications for post conviction relief, appeals, and/or writ applications.

There is no revenue impact to the Department of Justice or the District Attorney's office as a result of the proposed law.

Senate
 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:

[EXPENDITURE EXPLANATION CONTINUED FROM PAGE 1]

the extent the proposed law increases applications for post conviction relief and subsequent appeals and/or writ applications with the appellate courts and LSC. The proposed law may cause an indeterminable workload increase for the courts; however, it is unknown whether the courts would need additional personnel.

There will be an indeterminable increase in expenditures of the District Attorney's offices (D.A.) to the extent the proposed law increases the number of filings of applications for post conviction relief. The proposed law will increase the workload for the offices of the D.A.; however, the Louisiana District Attorney's Association cannot determine the number of additional applications and cannot determine the number of additional personnel needed. The proposed law also allows an applicant in a capital case to receive one copy of all records within the file of the prosecution team for free. The cost of reproductions and transfer of the file would be borne by the D.A.

Senate

Dual Referral Rules

House

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

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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Staff Director