

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 13** SLS 242ES 28
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: February 19, 2024 10:08 AM **Author:** SEABAUGH
Dept./Agy.: Attorney General and Louisiana Clerks of Court
Subject: Truth and Transparency in the LA Criminal Justice System **Analyst:** Daniel Druilhet

CRIMINAL JUSTICE OR INCREASE LF EX See Note Page 1 of 2
 Creates the Truth and Transparency in the Louisiana Criminal Justice System Program. (5/1/24) (Item #5)

Proposed law creates the Truth and Transparency in the Louisiana Criminal Justice System Program. Proposed law requires the clerks of court for all clerks of court within the state to provide the public and the Louisiana Department of Justice electronic access to all minute entry information involving all matters in criminal court (excluding traffic matters) and all matters involving juveniles deemed to be open to the public through a secure online accessible connection or portal. Proposed law provides definitions for what is considered minute entries. Proposed law requires the Louisiana Department of Justice to establish a publicly accessible website or online portal that provides access to minute entry information within 120 days after the proposed law becomes effective. Proposed law requires each clerk of court unable to meet the requirements of the proposed law within the 120 day deadline to provide written notice to the Speaker of the House of Representatives and President of the Senate (and continue to do so every 60 days until in compliance). Proposed law exempts from disclosure any records that include confidential information of juveniles (medical records, mental health, social and school records, or records related to the victim of a crime). Proposed law provides that records and reports in juvenile delinquency cases involving a crime of violence or second or subsequent felony-grade adjudication shall be made available to the public.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	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

REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	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	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	

Annual Total

EXPENDITURE EXPLANATION

Proposed law will likely result in a substantial increase in local expenditures to the clerks of court throughout the State of Louisiana, to the extent that all clerks of court will be required to provide electronic access to minute entry information to all matters in criminal courts (excluding traffic matters) and all matters involving juveniles deemed to be open to the public through a secure online accessible connection or portal.

The Louisiana Clerks of Court Association reports that enactment of proposed law will result in an initial cost of \$100,000, with an annual cost of \$30,000 in subsequent years, and that funds available from the Louisiana Clerks Remote Access Authority are available to fund these costs. The LFO is working with the Louisiana Clerks of Court Association to obtain information relative to its methodology used to calculate expenditures. This information will be provided once it becomes available.

The Louisiana Department of Justice (Attorney General) reports that enactment of proposed law will result in no additional costs incurred by its office in establishing a publicly accessible website or online portal that provides access to minute entry information involving all matters in criminal court (excluding traffic matters) and all matters involving juveniles deemed to be open to the public.

Proposed law is similar to legislation proposed during the 2023 Regular Legislative Session (HB 321), where the LFO previously provided information regarding fiscal impact to several clerks of court in the State of Louisiana (East Baton Rouge Parish, Caddo Parish, Orleans Parish, Lafayette Parish, etc.). Proposed law would require **ALL** clerks of court in the State of Louisiana to report minute entry information through a secure online accessible connection or portal, which will increase initial and annual costs to all clerks of court. **Those expenditure impacts are unknown but anticipated to be significant.** For illustration, the following was reported previously:

Caddo Parish Clerk of Court/Caddo Parish Juvenile Clerk of Court

Proposed law may result in an **increase of \$10,000 to \$20,000** in local expenditures in the Caddo Parish Clerk of Court and the Caddo Parish Juvenile Clerk of Court. The Caddo Parish Clerk of Court maintains all minute entry information for all juvenile cases filed in Caddo Parish, and any minute entries for records it currently stores are not accessible online. According to the Caddo Parish Clerk of Court, Software and Services (its program vendor) would be required to reprogram the Caddo Parish Clerk of Court website to ensure that the information requested is secure and available at no cost to the general public and Louisiana Department of Justice (Attorney General).

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REVENUE EXPLANATION

Proposed law will likely result in a decrease in local revenue to certain clerks of court from companies that purchase data and consumers that currently pay to access adult criminal information online. For illustrative purposes, the following information was previously reported:

CONTINUED ON PAGE 2

Senate	<u>Dual Referral Rules</u>	House
<input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}		<input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}


Patrice Thomas
Deputy Fiscal Officer



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CONTINUED EXPLANATION from page one:

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EXPENDITURE EXPLANATION CONTINUED FROM PAGE ONE

East Baton Rouge Parish Clerk of Court

Proposed law may result in an increase of \$52,000 in local expenditures from the East Baton Rouge Parish Clerk of Court (EBRCOC). According to the EBRCOC, free and secure access to adult criminal information would require changes to the online portal it currently uses, which would generate a one-time charge of \$50,000 from its program vendor and an increased ongoing maintenance charge of \$2,000 per fiscal year.

East Baton Rouge Parish Juvenile Clerk of Court

Proposed law may result in an increase of \$75,000 to \$90,000 in local expenditures in the East Baton Rouge Parish Juvenile Clerk of Court. The data for the East Baton Rouge Parish Juvenile Clerk of Court is currently stored on a custom IBM AS4000 system, and any minute entries for records currently stored within its existing system are not accessible online. The \$75,000 to \$90,000 expenditure estimate consists of a one-time \$25,000 fee to build an export of minute entry information and a \$50,000 to \$65,000 cost for an import procedure into the system for the East Baton Rouge Parish Clerk of Court.

Orleans Criminal District Court

Proposed law may result in an increase in local expenditures for the Clerk for the Orleans Parish Criminal District Court. Currently, the Clerk of the Orleans Parish Criminal District Court (COPCDC) does not offer online access to any of its minute entry information to the public. According to the Clerk, there is currently an ongoing process of negotiations for a new case management system with Software and Services, one which is similar to the system currently in use by the EBRCOC. The COPCDC anticipates expenditures of \$75,000 to \$90,000 to implement the requirements of proposed law along with annual maintenance costs of \$2,500 and \$5,000.

Orleans Parish Juvenile Clerk of Court

Proposed law may result in an increase in local expenditures to the Orleans Parish Juvenile Clerk of Court (OPJCOC). The OPJCOC estimates that it will cost \$45,000 to implement provisions of the proposed law along with an increase in annual maintenance costs of \$8,100. According to the OPJCOC, its vendor DigiComm advised that the initial cost of \$45,000 is associated with exporting minute entry information from equipment that is currently used to store it and establish a secure online system for its access to the public and AG. The OPJCOC estimates that it will expend \$8,100 annually in maintenance costs to ensure secure online access of minute entry information to the public and AG.

Lafayette Parish Clerk of Court/Lafayette Parish Juvenile Clerk of Court

Proposed law may result in an increase in local expenditures to the Lafayette Parish Clerk of Court (LPCOC). The LPCOC estimates that it will cost no less than \$75,000 to implement provisions of the proposed law, which consists of a one-time fee of \$25,000 to provide public electronic access to minute entry information for adult criminal offenses (with annual maintenance costs of \$4,000) and a one-time fee of \$40,000 to export juvenile minute entry information (with annual maintenance costs of \$6,000).

Note: The figures reported specifically reference the costs to implement provisions related to exporting minute entry information, establishing electronic access to minute entry information, as well as annual maintenance costs for electronic access to minute entry information. The LFO presumes that there may be additional costs associated with requiring each clerk's office impacted to provide automated updates and information on all newly scheduled events for all matters in criminal court along with matters involving delinquent acts of juveniles deemed open to the public.

REVENUE EXPLANATION CONTINUED FROM PAGE ONE

Caddo Parish Clerk of Court

Proposed law may result in a decrease in local revenues from companies that currently purchase data dumps from the Caddo Parish Clerk of Court. Currently, the Caddo Parish Clerk of Court receives \$5,000 from companies that purchase subscriptions to its website and data dumps. Proposed law has the effect of eliminating any cost to access minute entries from the Caddo Parish Clerk of Court's website, which would eliminate any revenues generated from costs assessed to access its data.

East Baton Rouge Parish Clerk of Court

Proposed law may result in a decrease in local revenue to the EBRCOC from companies and consumers that currently pay to access adult criminal information online. According to the EBRCOC, bulk data sold to consumers currently generates \$48,000 per year for the EBRCOC, and the EBRCOC estimates that 20% of its current online subscribers purchase subscriptions to access criminal information online (which is equivalent to \$174,346). By eliminating the costs for data dumps and online subscriptions with proposed law, EBRCOC estimates that it will lose annual local revenues of \$222,846.

Lafayette Parish Clerk of Court

Proposed law may result in a decrease in local revenue to the LPCOC from companies and consumers that currently pay to access adult criminal information online. According to the LPCOC, bulk data and online subscriptions sold to consumers currently generate approximately \$68,000 in annual revenue for the LPCOC. Proposed law has the effect of eliminating any cost to access minute entries from the Lafayette Parish Clerk of Court, which will result in a loss of annual local revenues.

Note: The Clerk of Court for the Orleans Criminal District Court, Orleans Parish Juvenile Clerk of Court, EBR Juvenile Court, Bossier Parish Juvenile Court, Lafayette Parish Juvenile Court, and Caddo Parish Juvenile Court do not maintain websites where individual subscriptions or bulk data dumps are made available at a cost to access any minute entry information the respective clerks' offices may manage. There is no anticipated direct material effect on local governmental revenues for the respective clerks' offices with the enactment of the proposed law. Impacts on other Clerks offices will vary by district but likely result in a significant aggregate impact statewide.

Senate Dual Referral Rules
[X] 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}

Signature of Patrice Thomas
Patrice Thomas
Deputy Fiscal Officer