



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 159** HLS 24RS 490
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: March 23, 2024 6:17 PM	Author: BACALA
Dept./Agy.: Courts/Clerks/Judiciary	
Subject: Post-Conviction Relief	Analyst: Daniel Druilhet

CRIMINAL/PROCEDURE OR +\$1,451,179 GF EX See Note Page 1 of 1
 Provides relative to post conviction relief

Current law requires that when a decision of an appellate court becomes final, the clerk of court shall transmit a certified copy of the decree to the court from which the appeal was taken, and when received by the lower court, filed and executed. Proposed law requires that after the defendant's conviction and sentence become final, the clerk of the court of appeal is mandated to send an electronic copy of the appellate record free of cost to any defendant imprisoned who has requested a copy of his record, and that failure of the clerk of the court of appeal to do so does not extend the time to file an application for post-conviction relief or constitute a cause of action, grounds to vacate the sentence or remand the case for resentencing; requires the court of appeal to redact all information not subject to public disclosure, along with names, addresses, and identities of jurors who participated in the case; allows an aggrieved party to file a motion for redaction if the safety of that person or the public requires further redaction, or if a redaction would violate a constitutional right of the defendant; allows the court of appeal to remand the motion for redaction to a lower court for the purpose of receiving evidence and ruling on the motion; removes provisions allowing for first claims of factual innocence filed by petitioners on or before December 31, 2022, that would otherwise be barred due to time limitations or procedural objections.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$1,451,179	\$913,526	\$950,067	\$988,069	\$1,027,592	\$5,330,433
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	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$1,451,179	\$913,526	\$950,067	\$988,069	\$1,027,592	\$5,330,433
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	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed law is anticipated to increase annual expenditures by \$1.45 M SGF in FY 25 and future fiscal years in the five clerks of court for the courts of appeal and the supreme court associated with hiring an attorney in each of the five clerks of court and one part-time staff attorney and one records clerk in the Louisiana Supreme Court. The additional staff is needed to handle the increased volume of post-conviction relief cases.

A breakout of the anticipated cost by expenditure category is as follows:
 F/T Attorneys \$701,365 (5 @ \$140,273 each - \$87,452 salary and \$52,821 benefits)
 P/T Attorney \$120,377 (1 @ \$85,000 salary and \$35,377 benefits)
 P/T Records Clerk \$56,648 (1 @ \$40,000 salary and \$16,648 benefits)
 Personnel Cost. \$878,390 Ongoing Salary Expenses*

Equipment \$148,118
 Professional Services \$43,500
 Software/Storage \$381,171
 FY 25 One time cost \$572,789

Total FY 25 Cost \$1,451,179

*Estimates in subsequent years include a 4% annual increase.

A breakout of the anticipated FY 25 cost by court is as follows:

1st Circuit \$208,900
 2nd Circuit \$208,900
 3rd Circuit \$244,787
 4th Circuit \$268,640
 5th Circuit \$272,304
 Supreme Court \$247,948
Total FY 25 Cost \$1,451,479

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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}

Patrice Thomas
 Deputy Fiscal Officer