



OFFICE OF LEGISLATIVE AUDITOR
Fiscal Note

Fiscal Note On: HB 842 HLS 20RS 1317
Bill Text Version: REENGROSSED
Opp. Chamb. Action: w/ SEN COMM AMD
Proposed Amd.:
Sub. Bill For.:

Date: May 29, 2020 3:20 PM Author: HILFERTY
Dept./Agy.: Criminal District Court of Orleans Parish Analyst: Barbara Lively
Subject: Court Fines

COURTS RE1 NO IMPACT LF RV See Note Page 1 of 1
Provides relative to the assessment, collection, and distribution of certain court costs and fees in the parish of Orleans

PURPOSE: This measure directs the funds collected for the Orleans Parish Criminal District Court's Judicial Expense Fund to the City of New Orleans and the Clerk's Office of the Criminal District Court. This bill also removes the \$5 assessment per conviction and guilty plea and the court's ability to assess fines up to \$500 for misdemeanors and up to \$2,500 for a felony. The measure eliminates the Criminal Court Cost Fund and the \$100 assessment per conviction or guilty plea. This measure changes the required fines collected for the Indigent Defender Board and the District Attorney's office to fines that may be collected.

This measure will cease to be effective on July 1, 2022.

Table with 7 columns: EXPENDITURES/REVENUES, 2020-21, 2021-22, 2022-23, 2023-24, 2024-25, 5-YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total.

EXPENDITURE EXPLANATION

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

REVENUE EXPLANATION

There is no anticipated direct material effect on revenues of the Orleans Criminal Court as a result of this measure. This bill primarily changes the administrator of funds collected and codifies current practice. However, the permissive nature of certain fees assessed and collected may reduce revenue of the Orleans Public Defender's Office and the Orleans DA (the frequency and amount of any reductions is indeterminable at this time).

According to a Criminal Court official, revenues will not be affected as this bill only provides that the City of New Orleans will now manage funds collected by the Criminal Court. This measure requires a portion of the funds collected to be transferred to the Clerk's office of the Criminal Court, which is estimated to be \$72,000/year based on the fines collected in 2019. The Orleans Criminal District Court will deposit the remaining fines collected into an escrow fund instead of the Judicial Expense fund for one year before transferring funds to the City of New Orleans. Presently, the court has approximately \$400,000 to be deposited into the escrow fund. In addition, the fines eliminated by this bill will not cause a reduction in revenue because the Criminal Court has not been imposing nor collecting the eliminated fines.

The bill also provides for a permissive nature of fees levied that were once mandatory (i.e., \$45 fee remitted to the District Indigent Defender Fund and a \$20 fee to the Orleans DA). A Criminal Court official estimated that the permissive nature of these fees should not significantly reduce fees levied and related revenue, as the judges are likely to continue the levy of these fines. An official from the Orleans Public Defender's Office informed us that the permissive nature of these fees could pertain to assessment and collection from all courts in Orleans Parish as well as bond forfeitures. According to this official, during 2019, the Orleans Public Defender's Office collected fees associated with bond forfeitures and the \$45 special court assessments in Orleans District Court, Traffic Court, and Municipal Court totaling \$1,182,577. While some courts will continue to assess the \$45 special court cost in some instances, it is unclear how frequently the cost will be uncollected.

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}

Signature of Michael G. Battle
Michael G. Battle
Manager, Advisory Services