

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 586** HLS 21RS 696

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

| | | |
|---|----------|----------------------------------|
| Date: April 18, 2021 | 10:14 AM | Author: MAGEE |
| Dept./Agy.: Public Defender Board | | Analyst: Rebecca Robinson |
| Subject: Public Defender functions and funding | | |

GOVERNMENT ORGANIZATION OR SEE FISC NOTE SD EX Page 1 of 2
Creates the Office of the State Public Defender and Justice Investment and provides for the relocation of certain court-related service providers and related funding

Proposed legislation eliminates the Louisiana Public Defender Board (LBPD) and creates the Office of the State Public Defender and Justice Investment (Office) within the Office of the Governor and eliminates six statutory positions. Provides for the governor to appoint the state public defender, subject to Senate confirmation. Renames the Louisiana Public Defender Fund the Justice Investment Fund (fund) and requires every court of original criminal jurisdiction to remit the \$45 conviction user fee (CUF) assessed in cases to the state treasurer for deposit into the Justice Investment Fund. The CUF funds shall be distributed to the district public defender offices within 10 days of receipt of such funds. Requires the Office to develop a mechanism for the distribution of funds to the district public defender offices and to the service programs, including but not limited to CASA. Provides that the Office shall not be obligated to pay funding for experts unless the accused is represented by a public defender.

| EXPENDITURES | 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 | INCREASE | INCREASE | INCREASE | INCREASE | INCREASE | |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | DECREASE | DECREASE | DECREASE | DECREASE | DECREASE | |
| Annual Total | | | | | | |

| REVENUES | 2021-22 | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 5 -YEAR TOTAL |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd. | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Annual Total | | | | | | |

EXPENDITURE EXPLANATION

There will be a **decrease** in expenditures out of the statutorily dedicated Justice Investment Fund for the Office of the State Public Defender and Justice Investment (Office) as a result of the elimination of the board. The Office reports that it spent \$10,900 in FY 19 for board meetings, member per diems, travel expenses, and refreshments. The office will experience a decrease in expenditures with elimination of the board and meetings.

There may be an **increase** in expenditures out of the statutorily dedicated Justice Investment Fund for the Office as a result of the local Conviction User Fees (CUF) being deposited into the Justice Investment Fund. The LBPD reports the newly created Office will experience a workload increase and may need to hire additional staff for the administration of the CUF funds and disbursement to the district defender offices. LBPD reports the newly created Office may need to hire at least two accountants at an estimated annual cost of \$187,500 for salaries and related benefits (based upon the current Accountant 3 salary and related benefits of \$93,765).

EXPENDITURE EXPLANATION CONTINUED ON PAGE 2

REVENUE EXPLANATION

There will be an increase in the SGF appropriation to the Office of the State Public Defender and Justice Investment as a result of the proposed legislation which requires the Office to administer the CASA program. Currently, the funds for CASA (\$7.1 M) are appropriated to the Judiciary, who administers the program. This re-appropriation of funds for CASA to the Office would be **revenue neutral to the SGF**.

There will be an increase in revenue to the statutorily dedicated Justice Investment Fund as a result of the district offices remitting the CUF funds to the state treasurer. There will be a corresponding decrease in revenue to the local district defender office funds as a result of the CUF funds no longer being remitted to the district offices but to the state treasurer. For informational purposes, in FY 19 total CUF collections statewide were \$27.8 M. This re-appropriation of funds would be **revenue neutral between state and locals**.

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

There will be a **decrease** in expenditures out of district office funds as a result of the proposed legislation removing the responsibility of the Office for paying for expert witnesses for those indigent defendants who are not represented by a public defender (pursuant to *State v. Touchet*). The LBPD reports that district offices currently pay expenses related to expert witnesses for defendants where the defendant is represented by private counsel but the court rules the defendant indigent (often a pro bono situation). The district offices would experience an indeterminable decrease in expenditures. The LBPD does not track these expenses at the district level and is therefore unable to estimate the total savings.

Proposed legislation eliminates the statutory authorization for six enumerated positions: deputy public defender - director of training, deputy public defender - director of juvenile defender services, budget officer, technology and management officer, trial-level compliance officer, and juvenile justice compliance officer (\$956,118 in salaries and related benefits). LBPD indicates these positions are necessary for the operations of the agency and the state public defender anticipates the positions will remain under the new office structure.

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}

Alan M. Boxberger
Staff Director