

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 604** HLS 21RS 850

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 7, 2021	4:31 PM	Author: JAMES
Dept./Agy.: State Police/District Attorneys/Courts		Analyst: Rebecca Robinson
Subject: Expungement of records		

CRIMINAL/RECORDS

EG INCREASE GF EX See Note

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Provides relative to expungement of records

Proposed law provides for a comprehensive revision to the statutory provisions regarding the expungement of misdemeanor and felony convictions. Provides a petition-based expungement of a record of arrest that did not result in conviction. Provides for a petition-based expungement of a record of arrest and conviction of misdemeanor and felony offenses. Provides relative to the costs associated for a petition-based expungement of a record, and provides that a person shall not be charged any costs for a government initiated expungement of records. Provides for government initiated expungement of a fingerprinted record of arrest that did not result in a conviction, and a fingerprinted record of arrest and conviction of misdemeanor and felony offenses. Provides for a certificate of compliance confirming a government initiated expungement of a fingerprinted record. Provides relative to the transmission of data to complete and serve a government initiated fingerprinted and non-fingerprinted expungement. The implementation of the new expungement process shall be as follows: 1) petition-based expungements in FY 22; 2) government initiated expungement of fingerprinted records in FY 23; 3) government initiated expungement of non-fingerprinted records in FY 24; and 4) full implementation of the proposed law in FY 25. Proposed law repeals Code of Criminal Procedure (CCRP) Articles 978(E)(2), 984, and 996.

EXPENDITURES	2021-22	2022-23	2023-24	2024-25	2025-26	5 -YEAR TOTAL
State Gen. Fd.	\$4,441,348	\$1,252,199	\$1,259,891	\$1,267,879	\$1,288,872	\$9,510,189
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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Annual Total						

EXPENDITURE EXPLANATION

There will be an increase in the SGF expenditures by the Department of Public Safety Services - Louisiana State Police (LSP) as a result of the proposed law. The proposed law provides a schedule of implementation over four years (FY 22 – FY 25) and LSP reports an increase in SGF expenditures of approximately \$2 M in FY 22 falling to approximately \$670,000 in each subsequent fiscal year. LSP reports a large workload increase to accomplish the duties described in the proposed law, which will require overtime for existing employees as well as adding 5 new T.O. positions in FY 22 (Criminal Records Analyst 2). LSP reports they will need to contract with the Office of Technology Services (OTS) in order to upgrade their computer systems for fingerprints and criminal histories. *See table on page 2 for detailed expenditures.*

There will be an increase in the SGF expenditures of the Louisiana Supreme Court (LSC) as a result of the proposed law. The Case Management Information System Division (CMIS division) at the LSC reports increased expenditures of approximately \$2.4 M in FY 22 falling to approximately \$580,000 in each subsequent fiscal year. The CMIS division reports increased expenditures of \$2.2 M to enhance and upgrade the case management systems at the LSC, the district courts, and the city courts; and an annual cost of \$370,000 for maintenance of the upgraded system. The CMIS division also reports a large workload increase to accomplish the duties described in the proposed law, which will require 2 new T.O. positions (Attorney and an Administrative Assistant). *See table on page 2 for detailed expenditures.* **[CONTINUED ON PAGE 2]**

REVENUE EXPLANATION

There will be a decrease in revenue to the statutorily dedicated Criminal Identification Fund of the Department of Public Safety - Louisiana State Police (LSP) as a result of the proposed law. Beginning in FY 23 and FY 24, LSP reports they will begin to lose an indeterminable amount of revenue as the phased automated expungement process is being implemented. In FY 25 and thereafter, LSP estimates an annual revenue loss of approximately \$1 M as a result of the removal of the \$250 expungement fee to LSP.

There will likewise be an indeterminable decrease in self-generated revenue to local Sheriffs' departments, District Attorneys' offices, and Clerks of Court as a result of the full implementation of the proposed law.

Note: The Code of Criminal Procedure Article 983 provides for the cost of expungements. The current total cost to obtain a court order expunging a record shall not exceed \$550. The fees are allocated as follows: LSP \$250; Sheriff's Department \$50; District Attorney \$50; and Clerk of Court \$200.

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}

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CONTINUED EXPLANATION from page one:
[CONTINUED EXPENDITURE EXPLANATION FROM PAGE 1]

There will be no significant fiscal impact to the office of the District Attorney as a result of the proposed measure. Any workload adjustment can be absorbed within existing resources.

There may be an increase in the expenditures of the Clerks of Court offices statewide. The Louisiana Clerks of Court Association (LCCA) reports an increased workload as a result of the proposed law and indicates the need for additional employees at each Clerk's office statewide. LCCA reports each office may need 1 to 2 additional employees at an annual salary of \$36,000 plus related benefits. The LFO cannot corroborate the workload adjustments provided by the LCCA.

The Louisiana Sheriffs' Association (LSA) reports no fiscal impact on expenditures as a result of the proposed law. The LSA reports each sheriff's office can absorb any increased workload with existing resources.

Estimated expenditures for the Louisiana State Police

	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26
Salaries	\$179,505	\$179,505	\$179,505	\$179,505	\$179,505
Overtime	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Related Benefits	<u>\$124,585</u>	<u>\$124,585</u>	<u>\$124,585</u>	<u>\$124,585</u>	<u>\$124,585</u>
Total Personnel Services	\$319,090	\$319,090	\$319,020	\$319,020	\$319,020
IAT (to OTS)	\$1,697,008	\$351,500	\$351,500	\$351,500	\$351,500
Other Operating Services, Office Supplies, Acquisitions	<u>\$20,805</u>	<u>\$2,375</u>	<u>\$2,375</u>	<u>\$2,375</u>	<u>\$12,700</u>
Grand Total LSP Expenditures	\$2,036,923	\$672,965	\$672,965	\$672,965	\$685,665

Estimated Expenditures for the Louisiana Supreme Court - CMIS Division

	FY 21/22	FY 22/23	FY 23/24	FY24/25	FY 25/26
Salaries	\$120,000	\$124,800	\$129,792	\$134,984	\$140,383
Related Benefits	<u>\$81,325</u>	<u>\$83,934</u>	<u>\$86,634</u>	<u>\$89,430</u>	<u>\$92,324</u>
Total Personnel Services	\$201,325	\$208,734	\$216,426	\$224,414	\$232,707
Office Supplies, Acquisitions	\$3,100	\$500	\$500	\$500	\$500
Upgrade/Enhancement of case management system and maintenance	<u>\$2,200,000</u>	<u>\$370,000</u>	<u>\$370,000</u>	<u>\$370,000</u>	<u>\$370,000</u>
Grand Total LSC Expenditures	\$2,404,425	\$579,234	\$586,926	\$594,914	\$603,207

Note: The CMIS Division is funded by the statutorily dedicated Trial Court Case Management Information Fund. The LSC reports that the CMIS division's revenue has been declining and they have operated at a deficit the past two fiscal years, with LSC supplementing their budget. **For this reason, the LFO assumes that these increased expenditures to the CMIS division would be funded by the SGF.**

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