



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 162** HLS 22RS 327
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: March 16, 2022 10:28 AM	Author: MARINO
Dept./Agy.: Courts	Analyst: Rebecca Robinson
Subject: Exemption of expungement fees in certain circumstances	

CRIMINAL/RECORDS OR DECREASE SD RV See Note Page 1 of 1
 Provides for exemption of expungement fees in certain circumstances

Proposed legislation provides for the exemption of processing fees for an expungement when a person was determined to be factually innocent and entitled to compensation for a wrongful conviction. Provides that a person who has been granted a pardon shall also be exempt; except for a person granted a first offender pardon.

EXPENDITURES	2022-23	2023-24	2024-25	2025-26	2026-27	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

REVENUES	2022-23	2023-24	2024-25	2025-26	2026-27	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 is no anticipated direct material effect on governmental expenditures as a result of this measure.

REVENUE EXPLANATION

Under current law, a person determined to be factually innocent and entitled to compensation for a wrongful conviction shall not be required to pay expungement processing fees if a certification is obtained from the district attorney which verifies that the applicant has no felony convictions and no pending felony charges.

Proposed legislation provides that a person who was determined to be factually innocent and entitled to compensation for a wrongful conviction shall be exempt from expungement processing fees (with no certification from the district attorney required). There will be a nominal decrease in revenue to various state and local governmental entities to the extent that persons who were wrongfully convicted did not take advantage of the fee exemption under current law due to the required certification from the district attorney, but will take advantage of the fee exemption under the proposed legislation. The number of persons qualifying for this fee exemption is indeterminable but not likely to be significant.

The cost of obtaining an expungement is \$550 and is disbursed to the following entities:
 \$250 to the Louisiana Bureau of Criminal Identification and Information (Department of Public Safety - State Police)
 \$50 to the Sheriff
 \$50 to the District Attorney
 \$200 to the Clerk of Court

For illustrative purposes, the Louisiana Commission on Law Enforcement (LCLE) reports there are 29 claimants receiving compensation for wrongful conviction. It is not known if any of those claimants have sought an exemption of expungement fees under the current law. LCLE also reports there are approximately 1 to 2 new claimants each year seeking compensation for wrongful conviction.

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}

Evan Brasseaux

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 Interim Deputy Fiscal Officer