

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **SB 451** SLS 22RS 1324

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> April 11, 2022 5:52 PM	<b>Author:</b> CARTER, GARY
<b>Dept./Agy.:</b> State Police and local entities	<b>Analyst:</b> Rebecca Robinson
<b>Subject:</b> Repeals fees related to expungement	

CRIMINAL RECORDS OR INCREASE GF EX See Note  
Repeals fees related to obtaining an expungement order. (8/1/22)

Page 1 of 2

Current Code of Criminal Procedure Article 983 provides for the costs of an expungement of a record and the disbursement of the fees collected. Current Code of Criminal Procedure Article 984(C) provides for the imposition of an additional \$50 fee to be assessed to a person filing an expungement of a record involving the operation of a motor vehicle while intoxicated.

Proposed law repeals Code of Criminal Procedure Articles 983 and 984(C).

<b>EXPENDITURES</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<b>Annual Total</b>						
<b>REVENUES</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

The proposed legislation will likely result in an indeterminable increase in SGF expenditures for the District Attorneys (Budget Unit 20-906) to the extent there is a significant increase in the number of individuals filing for an expungement of their record as a result of the elimination of the processing fees. The Louisiana District Attorney's Association (LDAA) estimates that only 10% of individuals that are eligible for an expungement actually file a motion to obtain one. The LDAA estimates a large increase in workload for each district attorney's office that would result in a need for 47 additional assistant district attorneys (one per district, with the five largest districts needing at least 2), and at least 41 additional support personnel (one per district). The legislature appropriates funds each year for the salaries of assistant district attorneys (\$50,000) and the employer contribution for retirement and medicare tax. Each local district attorney's office would cover the remaining portion of the salaries for the assistant district attorneys, as well as group medical benefits, continuing education, bar dues, and other miscellaneous costs. The local district attorney's offices would also be responsible for the salary and related benefits for support personnel (see page 2).

The workload created by proposed law is speculative and dependent upon the number of expungements filed. The LFO cannot corroborate the workload and workforce that the LDAA estimates will be necessary. To the degree that demand for services may not materialize, or may be less than estimated, the positions and costs may decrease accordingly.

**REVENUE EXPLANATION**

There will be a decrease in self-generated revenue for the Department of Public Safety & Corrections - State Police, Clerks of Court, District Attorneys, and Sheriffs as a result of the proposed law. Currently, the Code of Criminal Procedure Article 983 provides for the cost of the expungement of a record. The current total cost to obtain a court order expunging a record shall not exceed \$550. The fees are disbursed as follows: Louisiana State Police \$250; Sheriff's department \$50; District Attorney \$50; and Clerk of Court \$200. Code of Criminal Procedure Article 984(C) provides for an additional \$50 fee to be paid to the Department of Public Safety & Corrections - Office of Motor Vehicles for person's filing for an expungement of a record involving the operation of a motor vehicle while intoxicated. Proposed law eliminates all costs associated with obtaining the expungement of a record. The exact decrease in self-generated revenue for State Police and local revenue is **indeterminable** as it is unknown the number of individuals who may file a motion for an expungement in the future.

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}

*Evan Brasseaux*

**Evan Brasseaux**  
**Interim Deputy Fiscal Officer**

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**CONTINUED EXPLANATION from page one:**

**[CONTINUED EXPENDITURE EXPLANATION FROM PAGE 1]**

Assistant District Attorney Salary \$80,000 each (without related benefits)  
 \$50,000 to be paid by SGF expenditures  
 \$30,000 to be paid by each local district attorney's office

State Expenditures

A.D.A. Salaries	\$50,000 x 47 =	\$2,350,000
Retirement (Employer Share)	\$2,350,000 x 9.5% =	\$223,250
Medicare Tax (Employer Share)	\$2,350,000 x 1.45% =	\$34,075
<b>Total SGF Expenditures</b>		<b>\$2,607,325</b>

Local Expenditures

A.D.A. Salaries	\$30,000 x 47 =	\$1,410,000
Medicare Tax (Employer Share)	\$1,410,000 x 1.45% =	\$20,445
Benefits, etc.	\$1,410,000 x 30% =	\$423,000
<b>Subtotal</b>		<b>\$1,853,445</b>

Support Staff Salaries	\$40,000 x 41 =	\$1,640,000
Medicare Tax (Employer Share)	\$1,640,000 x 1.45% =	\$23,780
Benefits, etc.	\$1,640,000 x 30% =	\$492,000
<b>Subtotal</b>		<b>\$2,155,780</b>

**Total Local Expenditures** **\$4,009,225**

**Note:** There may be increased workloads for the State Police, Clerks of Court, and Sheriff's offices as well; however, these local entities did not supply information regarding expenditures to the Legislative Fiscal Office by the time of this writing.

**[CONTINUED REVENUE EXPLANATION FROM PAGE 1]**

**For informational purposes:**

The Louisiana State Police (LSP) reports the following number of expungements were filed in the last five years: 3,933 in 2017; 3,881 in 2018; 3,113 in 2019; 4,123 in 2020; and 5,243 in 2021. The number of expungements filed are only a portion of the expungements that are eligible to be filed in Louisiana. According to the Louisiana Supreme Court, there were 5,427 individual charges that would be eligible for expungement under the Code of Criminal Procedure Articles 893 and 894. Individuals are also eligible for expungements under the CCRP Articles 976, 977, and 978; however, the Louisiana Supreme Court does not track charges under those articles.

Of the filings listed above, the following are the number that were filed with fees collected in the last five years: 2,677 in 2017; 2,925 in 2018; 2,668 in 2019; 2,438 in 2020; and 2,671 in 2021. Based on the filings in 2021, there would be the following loss of revenue:

State Police:	2,671 x \$250 = \$667,750
Clerks of Court:	2,671 x \$200 = \$534,200
Sheriffs:	2,671 x \$50 = \$133,550
District Attorneys:	2,671 x \$50 = \$133,550

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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