

LEGISLATIVE FISCAL OFFICE

Fiscal Note



Fiscal Note On: **HB 894** HLS 22RS 1165

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 26, 2022	4:23 PM	Author: JORDAN
Dept./Agy.: District Attorneys/Courts		Analyst: Rebecca Robinson
Subject: Criminal Forfeiture		

CRIMINAL/FORFEITURE

OR SEE FISC NOTE GF EX

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Provides relative to criminal forfeiture

Proposed legislation enacts the Louisiana Criminal Forfeiture Process Act. Applies to the seizure and forfeiture of property used in and derived directly from an act or omission punishable by confinement for more than one year. Creates the Pre-K to Prosperity to Literacy Fund for the receipt of a portion of the disbursement of forfeited currency and sale proceeds.

EXPENDITURES	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>5 -YEAR TOTAL</u>
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						

REVENUES	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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 may be an indeterminable increase in statutorily dedicated funds from the Louisiana Public Defender Fund for the Louisiana Public Defender Board (LPDB) and/or local expenditures for district public defender office as a result of the proposed law. Currently, LPDB does not represent indigent defendants in civil asset forfeiture proceedings. The proposed law provides for the forfeiture proceedings to be a part of the criminal trial, which will require the public defender to provide representation for the criminal charges and the forfeiture proceedings. Depending on the workload and/or expertise of the attorney representing the indigent defendant, the district public defender may be required to contract and/or hire additional staff to handle the forfeiture proceedings. LPDB will be required to contract with attorneys to handle any appeals related to forfeiture proceedings.

Creating a new statutory dedication within the state treasury will result in a marginal workload increase for the Department of Treasury, which can generally be absorbed within existing resources. However, to the extent other legislative instruments create new statutory dedications, there may be additional material costs associated with the aggregate effort to administer these funds. The Treasury performs fund accounting, financial reporting, banking, and custodial functions for 436 special funds. When unable to absorb additional workload with existing resources, the Treasury anticipates that it will be required to add one T.O. position at a total personnel services cost of approximately \$73,000 plus approximately \$2,450 for a one-time purchase of office equipment. These expenditures are assumed to be SGF in this fiscal note.

REVENUE EXPLANATION

There will be an indeterminable fiscal impact to state and local agencies as a result of the proposed law. HB 894 provides for the disbursement of forfeited currency and sale proceeds under criminal forfeiture proceedings. However, the LFO is unclear on how the proposed law will interact with existing civil asset forfeiture proceedings. The disbursement of forfeited property under civil asset forfeiture is different than the criminal forfeiture proceedings under proposed law and may result in some agencies receiving more or less revenue.

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

Evan Brasseaux
Interim Deputy Fiscal Officer