



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **SB 219** SLS 22RS 375
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 25, 2022 10:25 AM	Author: JACKSON
Dept./Agy.: Louisiana Public Defender Board	
Subject: District indigent defender funds - expert witnesses	Analyst: Rebecca Robinson

COURTS EN INCREASE SD EX See Note Page 1 of 1
 Authorizes judicial district indigent defender funds to be used for the purposes of retaining expert witnesses. (8/1/22)

Proposed legislation provides a person who has retained private counsel, but is found to be indigent, may apply for funds for expert witnesses in the same manner as public defender clients. Provides no court shall have jurisdiction the payment of any funds administered by the Louisiana Public Defender Board or district public defender for expert witnesses.

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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						
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	\$0	\$0	\$0	\$0	\$0	\$0
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>	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

There may be an increase in expenditures from the local public defender district offices to the extent a private attorney applies to the district office for funds for an expert witness for any criminal case other than a capital case. For informational purposes, in CY 21, only 17 local district offices utilized expert witnesses expending a total of \$72,015, or 0.12% of local district office expenditures.

While the language of the bill states persons may apply for funds to the district defender, it should also be noted that the Louisiana Public Defender Board also utilizes expert witnesses. In FY 21, LPDB spent \$1 M in expert witness fees as follows: 1) \$129,800 for experts in capital cases at the trial level; 2) \$365,000 for experts in post-conviction cases; and 3) \$121,511 for experts in *Miller/Montgomery* case sentencing hearings (juveniles receiving sentences of life in prison). These fees are paid out of the statutorily dedicated Louisiana Public Defender Fund (which is funded each year by SGF appropriation).

The proposed legislation does not provide an avenue for additional funding to support these expenditures. As this program has limited resources, any expenditures related to this legislation are likely to be minimal unless additional resources are identified.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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