

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 4** HLS 242ES 18

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: February 18, 2024 1:32 PM	Author: EMERSON
Dept./Agy.: Supreme Court/Clerks of Court	Analyst: Daniel Druilhet
Subject: Changes to Post-Conviction Relief Procedures	

CRIMINAL/PROCEDURE

OR SEE FISC NOTE LF EX

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Provides relative to changes for post conviction relief procedures (Item #17)

Current law provides for procedures governing repetitive actions for post conviction relief (PCR); provides that if a court considers dismissing an application for failure of the petitioner to raise the claim in the proceedings leading to conviction, failure to urge the claim on appeal, or failure to include the claim in a prior application, the district court (DC) shall order the petitioner to state reasons for his failure, and if the court finds the failure excusable, it shall consider the merits of the claim; provides that the state may waive any procedural objection or objection to timeliness (POOT) of a petition for PCR, and that such waiver shall be in writing and filed by the state into the DC record; provides that no application for PCR shall be considered if filed more than 2 years after the judgment of conviction of sentence has become final, unless new facts are alleged unknown either to the petitioner or his attorneys; that new facts are submitted to the DC within 2 years of discovery; that if the petitioner pled guilty or nolo contendere (PGONC), seeks relief, and 5 or more years have elapsed since PGONC to conviction, he shall not be eligible for the "new facts" (NF) exception. Proposed law removes the option for the state to waive any POOT to the petition; removes the requirement that a DC mandate a petitioner to state the reasons for his failure to urge or include a claim in a prior petition; removes option to file claim altogether for PGONC to an offense; limits NF exception to within 1 year of discovery.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	

Annual Total

REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	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	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	

Annual Total

EXPENDITURE EXPLANATION

There is likely no direct material effect on governmental expenditures as a result of this measure. However, proposed law will likely result in a workload decrease in district courts that process applications for post-conviction relief. To the extent that proposed law reduces the number of repetitive claims for post-conviction relief in district courts, removes the option to file post-conviction relief claims to those who plead guilty or nolo contendere to offenses to which they have been convicted, and reduces the amount of time in which claimants can allege new facts after discovery, there will likely be a decline in workload in district courts to process claims for post-conviction relief.

The State of Louisiana currently has 42 district courts that process claims for post-conviction relief. To determine the fiscal impact of the proposed law on the district courts within the state, obtaining historical information regarding the number of claims for post-conviction relief filed, the number of claims filed by claimants who pled guilty or nolo contendere to offenses to which they were convicted, and the impact of limiting the submission of new facts to within one year (as opposed to two years) of discovery, is necessary.

Note: The LFO is working with the Louisiana Clerks of Court Association to obtain relevant historical information on claims for post-conviction relief. This fiscal note will be updated once additional information is received.

REVENUE EXPLANATION

Proposed law will likely result in a decrease in local governmental revenues, to the extent that fewer applications for post-conviction relief are filed in the district courts. The exact fiscal impact to local governmental revenues is indeterminable, as the costs for filing post-conviction relief applications vary throughout the district courts.

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}

Patrice Thomas
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