



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 4** HLS 242ES 18
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action: **w/ SEN COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

Date: February 26, 2024 6:28 PM	Author: EMERSON
Dept./Agy.: Supreme Court/Clerks of Court	
Subject: Changes to Post-Conviction Relief Procedures	Analyst: Daniel Druilhet

CRIMINAL/PROCEDURE RE1 SEE FISC NOTE LF EX See Note Page 1 of 2
 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 district court (DC) considers dismissing an application (APP) for failure of the petitioner (P) to raise the claim in the proceedings leading to conviction (C), failure to urge the claim on appeal, or failure to include the claim in a prior APP, the DC shall order the P to state reasons for his failure (SRFHF), and if the DC finds the failure excusable, consider the claim's merits; allows the state to waive any procedural objection or objection to timeliness (POOT) of a PCR petition (PET), that the waiver be filed into the DC record; provides that no APP for PCR shall be considered if filed more than 2 years after the judgment of C of sentence has become final, unless new facts (NF) are alleged unknown either to the P or his attorneys and submitted to the DC within 2 years of discovery; that if the P pled guilty or nolo contendere (PGONC), seeks PCR, and 5 or more years have elapsed since PGONC to C, he shall not be eligible for the (NF) exception. Proposed law removes the state's option to waive any POOT to the PET, the requirement that a DC mandate a P to SRFHF to urge or include a claim in a prior PCR, the option to file altogether for PGONC to an offense; requires dismissal of a PCR APP or PET for new or different claim inexcusably omitted from a prior APP, unless consideration is needed in the interest of justice; allows suspensive appeals by DA or AG to orders granting PCR.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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

Attorney General and Local District Attorneys

Proposed law may result in an increase in SGF expenditures in the Louisiana Department of Justice (Attorney General) and local expenditures to district attorneys, to the extent that they appeal any orders granting post-conviction relief. To the extent that the Louisiana Department of Justice and local district attorneys submit and participate in hearings on suspensive appeals to orders granting post-conviction relief, there may be an increase in workload, requiring the agency to secure additional staff. The LFO is working with the Louisiana Department of Justice and the District Attorneys Association to determine if whether the agencies can absorb the additional workload using existing staff and resources.

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 and 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, 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 and the number of claims filed by claimants who pled guilty or nolo contendere to offenses to which they were convicted 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.

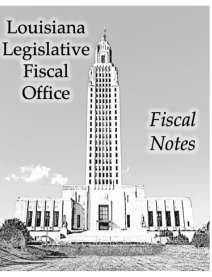
REVENUE EXPLANATION

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
 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}

Patrice Thomas
 Deputy Fiscal Officer



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CONTINUED EXPLANATION from page one:

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