

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 4** HLS 242ES 18
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: February 29, 2024 3:22 PM	Author: EMERSON
Dept./Agy.: Supreme Court/Clerks of Court	
Subject: Changes to Post-Conviction Relief Procedures	Analyst: Daniel Druilhet

CRIMINAL/PROCEDURE EN SEE FISC NOTE LF EX See Note Page 1 of 1
 Provides relative to changes for post conviction relief procedures (Item #17)

Current law provides for procedures governing repetitive actions for post conviction relief; provides that if a district 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 court shall order the petitioner to state reasons for his failure, and if the court finds the failure excusable, consider the claim's merits; allows the state to waive any procedural objection or objection to timeliness of a post-conviction relief petition, that the waiver be filed into the DC record; provides that no application for post-conviction relief 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 and submitted to the court within 2 years of discovery; that if the petitioner pled guilty or nolo contendere, seeks post-conviction relief, and 5 or more years have elapsed since pleading guilty or nolo contendere to conviction, he shall not be eligible for the new facts exception. Proposed law removes the state's option to waive any procedural objection or object to timeliness to the petition, the requirement that a court mandate a petitioner to state his reasons for his failure to urge or include a claim in a prior petition for post-conviction relief, requires dismissal of a post-conviction relief application or petition for a new or different claim inexcusably omitted from a prior application; allows suspensive appeals by district attorney or attorney general to orders granting post-conviction relief.

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.

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, 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 is necessary. The Louisiana Clerks of Court Association has advised that the clerks of court have no means of determining the number of repetitive claims for post-conviction relief that have been filed in the district courts. Because this information is unavailable, there is no way to determine the fiscal impact on district courts within the state.

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