



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 1** HLS 242ES 11
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

| | |
|--|---------------------------------|
| Date: February 29, 2024 3:59 PM | Author: BACALA |
| Dept./Agy.: Attorney General and Louisiana Clerks of Court | |
| Subject: Truth and Transparency in the LA Criminal Justice System | Analyst: Daniel Druilhet |

CRIMINAL/JUSTICE EN INCREASE GF EX See Note Page 1 of 2
 Creates the Truth and Transparency in the Louisiana Criminal Justice System Program (Item #5)

Proposed law creates the Truth and Transparency in the Louisiana Criminal Justice System Program. Proposed law requires the clerks of court for all district clerks of court within the state and the clerk of court for Orleans Parish Juvenile Court to provide the public, and transmit to the portal maintained by the Louisiana Clerks Remote Access Authority (LCRAA), electronic access to all minute entry information involving all cases in criminal court after 1/01/20 (excluding traffic matters) and all matters involving juveniles accused of crimes of violence (for any cases filed on or after 1/01/24) by April 19, 2024; provides definitions for minute entries; requires the LCRAA to, on or before 8/1/24, submit a written report to the Speaker of the House of Representatives and President of the Senate (and continue to do so every 120 days) progress made by the LCRAA and the clerks of court toward the duties imposed in proposed law. Proposed law exempts from disclosure any records that include confidential information of juveniles (medical records, mental health, social and school records, or records related to the victim of a crime); provides for immunity from liability for all employees of district clerks of court and those employed by or agents of the LCRAA for any acts or omissions associated with compliance with the proposed law.

| 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 | INCREASE | INCREASE | INCREASE | INCREASE | INCREASE | |

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

Proposed law will likely result in a substantial increase in local expenditures to the district clerks of court throughout the State of Louisiana and the clerk of court for the Orleans Parish Juvenile Court, to the extent that all clerks of court will be required to transmit minute entry information involving all cases in criminal court after 1/01/20 (excluding traffic matters) and all matters involving juveniles accused of crimes of violence (COV) (for any cases filed in Orleans Parish Juvenile Court on or after 1/01/24) to the Louisiana Clerks Remote Access Authority (LCRAA) online portal.

The Louisiana Clerks of Court Association reports that enactment of proposed law will result in an initial cost of \$100,000, with an annual cost of \$30,000 in subsequent years, and that funds available from the Louisiana Clerks Remote Access Authority are available to fund these costs. The LFO is working with the Louisiana Clerks of Court Association to obtain information relative to its methodology used to calculate expenditures. This information will be provided once it becomes available.

Proposed law is similar to legislation proposed during the 2023 Regular Legislative Session (HB 321), where the LFO previously provided information regarding fiscal impact to several clerks of court in the State of Louisiana (East Baton Rouge Parish, Caddo Parish, Orleans Parish, Lafayette Parish, etc.). Proposed law would require **ALL** district clerks of court in the State of Louisiana to report minute entry information for all cases in criminal court after 1/01/20 through a secure online accessible connection or portal, which will increase initial and annual costs to all district clerks of court. **Those expenditure impacts are unknown but anticipated to be significant.** For illustration, the following was reported previously:

Caddo Parish Clerk of Court

Proposed law may result in an **increase of \$10,000 to \$20,000** in local expenditures in the Caddo Parish Clerk of Court. The Caddo Parish Clerk of Court maintains all minute entry information for all criminal matters filed in Caddo Parish, and would assume costs to transmit any minute entries for records involving all cases in criminal court after 1/01/20 it currently stores to the LCRAA online portal. According to the Caddo Parish Clerk of Court, Software and Services (its program vendor) would be required to reprogram the Caddo Parish Clerk of Court website to ensure that the information requested is secure and available at no cost to the general public and transmissible to the LCRAA online portal.


CONTINUED ON PAGE 2

REVENUE EXPLANATION

Proposed law will likely result in a decrease in local revenue to certain clerks of court from companies that purchase data and consumers that currently pay to access adult criminal information online. For illustrative purposes, the following information was previously reported:

CONTINUED ON PAGE 2

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|--|--|--------------|
| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> |
| <input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H} | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} | |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H} | <input type="checkbox"/> 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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EXPENDITURE EXPLANATION CONTINUED FROM PAGE ONE

East Baton Rouge Parish Clerk of Court

Proposed law may result in an increase of \$52,000 in local expenditures from the East Baton Rouge Parish Clerk of Court (EBRCOC). According to the EBRCOC, free and secure access to adult criminal information would require changes to the online portal it currently uses, which would generate a one-time charge of \$50,000 from its program vendor and an increased ongoing maintenance charge of \$2,000 per fiscal year.

Orleans Criminal District Court

Proposed law may result in an increase in local expenditures for the Clerk for the Orleans Parish Criminal District Court. Currently, the Clerk for the Orleans Parish Criminal District Court (COPCDC) does not offer online access to minute entry information involving cases in criminal court after 1/01/20 to the public. According to the Clerk, there is currently an ongoing process of negotiations for a new case management system with Software and Services, one which is similar to the system currently in use by the EBRCOC. The COPCDC anticipates expenditures of \$75,000 to \$90,000 to implement the requirements of proposed law along with annual maintenance costs of \$2,500 and \$5,000.

Orleans Parish Juvenile Clerk of Court

Proposed law may result in an increase in local expenditures to the Orleans Parish Juvenile Clerk of Court (OPJCOC). The OPJCOC estimates that it will cost \$45,000 to implement provisions of the proposed law along with an increase in annual maintenance costs of \$8,100. According to the OPJCOC, its vendor DigiComm advised that the initial cost of \$45,000 is associated with exporting minute entry information involving all cases in criminal court after 1/01/24 from equipment that is currently used to store it and establish a secure online system for its access to the public and transmission to the LCRAA online portal. The OPJCOC estimates that it will expend \$8,100 annually in maintenance costs to ensure secure online access of minute entry information to the the public and the LCRAA portal.

Lafayette Parish Clerk of Court

Proposed law may result in an increase in local expenditures to the Lafayette Parish Clerk of Court (LPCOC). The LPCOC estimates that it will cost no less than \$75,000 to implement provisions of the proposed law, which consists of a one-time fee of \$25,000 to provide public electronic access to minute entry information for adult criminal offenses involving all cases in criminal court after 1/01/20 (with annual maintenance costs of \$4,000).

Note: The figures reported specifically reference the costs to implement provisions related to exporting minute entry information, establishing electronic access to minute entry information, as well as annual maintenance costs for electronic access and transmission of minute entry information. The LFO presumes that there may be additional costs associated with requiring each clerk's office impacted to provide automated updates and information on all newly scheduled events for all matters in criminal court along with matters involving delinquent acts of juveniles in Orleans Parish Juvenile Court considered crimes of violence.

REVENUE EXPLANATION CONTINUED FROM PAGE ONE

Caddo Parish Clerk of Court

Proposed law may result in a decrease in local revenues from companies that currently purchase data dumps from the Caddo Parish Clerk of Court. Currently, the Caddo Parish Clerk of Court receives \$5,000 from companies that purchase subscriptions to its website and data dumps. Proposed law has the effect of eliminating any cost to access minute entries from the Caddo Parish Clerk of Court's website, which would eliminate any revenues generated from costs assessed to access its data.

East Baton Rouge Parish Clerk of Court

Proposed law may result in a decrease in local revenue to the EBRCOC from companies and consumers that currently pay to access adult criminal information online. According to the EBRCOC, bulk data sold to consumers currently generates \$48,000 per year for the EBRCOC, and the EBRCOC estimates that 20% of its current online subscribers purchase subscriptions to access criminal information online (which is equivalent to \$174,346). By eliminating the costs for data dumps and online subscriptions with proposed law, EBRCOC estimates that it will lose annual local revenues of \$222,846.

Lafayette Parish Clerk of Court

Proposed law may result in a decrease in local revenue to the LPCOC from companies and consumers that currently pay to access adult criminal information online. According to the LPCOC, bulk data and online subscriptions sold to consumers currently generate approximately \$68,000 in annual revenue for the LPCOC. Proposed law has the effect of eliminating any cost to access minute entries from the Lafayette Parish Clerk of Court, which will result in a loss of annual local revenues.

Note: The Clerk of Court for the Orleans Criminal District Court and the Orleans Parish Juvenile Clerk of Court, do not maintain websites where individual subscriptions or bulk data dumps are made available at a cost to access any minute entry information on websites the respective clerks' offices may manage. There is no anticipated direct material effect on local governmental revenues for the respective clerks' offices with enactment of the proposed law. Impacts on other Clerks offices will vary by district but likely result in a significant aggregate impact statewide.

Senate Dual Referral Rules
[X] 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}

Signature of Patrice Thomas
Patrice Thomas
Deputy Fiscal Officer