



**LEGISLATIVE FISCAL OFFICE  
Fiscal Note**

Fiscal Note On: **SB 383** SLS 24RS 550  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> April 9, 2024	9:22 AM	<b>Author:</b> DUPLESSIS
<b>Dept./Agy.:</b> Courts		
<b>Subject:</b> Post-Conviction Relief and Non-Unanimous Jury Verdicts		<b>Analyst:</b> Daniel Druilhet

CRIMINAL PROCEDURE OR INCREASE LF EX See Note Page 1 of 2  
 Provides relative to postconviction relief for defendants convicted by a non-unanimous jury verdict. (8/1/24)

Current law provides for the grounds upon which post conviction relief shall be granted, rules governing repetitive applications for post-conviction relief, and exceptions relative to time limitations for application for post conviction relief. Proposed law provides that post conviction relief shall be granted on the grounds that a conviction was obtained by a non-unanimous jury verdict; provides that an application for post conviction relief alleging that the petitioner's conviction was obtained by a non-unanimous jury verdict shall not be considered repetitive; adds convictions obtained by non-unanimous jury verdicts to the list of exceptions relative to time limits placed on applications for post-conviction relief.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	<b>DECREASE</b>	<b>DECREASE</b>	<b>DECREASE</b>	<b>DECREASE</b>	<b>DECREASE</b>	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>	
<b>Annual Total</b>						
REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

Proposed law will likely result in an indeterminable, yet significant increase in Local Funds expenditures in District Attorneys offices, may result in an increased workload in the Office of the State Public Defender, and may result in an indeterminable decrease in SGF expenditures in the Department of Public Safety & Corrections - Corrections Services (DPS&C-CS).

**District Attorneys**

Proposed law will likely result in an increased workload in local district attorneys, to the extent that they participate in any additional hearings on petitions for post-conviction relief with a new class of offenders potentially qualifying. The DA's Association anticipates that there is a very real possibility of a substantial negative fiscal impact on district attorneys offices throughout the state. The LFO is working with District Attorneys to determine the fiscal impact of the proposed law's enactment, and we will update the fiscal note once this information is made available.

**Office of the State Public Defender**

Proposed law may result in an increased workload in the Office of the State Public Defender, to the extent that inmates currently incarcerated that seek post-conviction relief as a result of convictions secured by non-unanimous juries are provided representation. Though the proposed law does not explicitly state that the Office of the State Public Defender is responsible for this representation, the Office of the State Public Defender assumes that those inmates seeking post-conviction relief can be assumed indigent and unable to secure private counsel as a function of their incarceration status, which would result in their request to seek services of the public defender. The Office of the State Public Defender also states that it has been reported that there are more than 1,500 individuals who were convicted of crimes by non-unanimous juries who would be impacted by the proposed law's enactment. To the extent that public defenders are required to provide representation, the proposed law may result in an increased workload for some defenders. The LFO presumes that any additional workload within the Office of the State Public Defender can be absorbed using additional staff and resources.


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**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}

  
**Patrice Thomas**  
 Deputy Fiscal Officer



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**CONTINUED EXPLANATION from page one:**

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[CONTINUED FROM PAGE 1]

**Department of Public Safety & Corrections - Corrections Services**

Proposed law may result in an indeterminable decrease in SGF expenditures in the Department of Public Safety & Corrections-Corrections Services (DPS&C-CS), to the extent that those incarcerated and granted post-conviction relief are released from serving a sentence of imprisonment related to convictions secured by non-unanimous juries. Proposed law has the effect of placing approximately 1,500 individuals convicted by non-unanimous juries within a class of offenders that may qualify for post-conviction relief and subsequent release from DPS&C-CS. The LFO is working with DPS&C-CS to determine the fiscal impact of the proposed law's enactment, and we will update the fiscal note once this information becomes available.

For any offender eligible for post-conviction relief and subsequent release, SGF expenditures in DPS&C-CS will decrease by \$107.60 per offender per day, or \$26.39 per offender per day for those housed in local facilities. DPS&C-CS advises that impacts on offender populations are anticipated to impact the number of offenders held in local facilities, and that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

**Senate**  
Dual Referral Rules  
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**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}

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