

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **SB 91** SLS 24RS 401

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action: **w/ HSE COMM AMD**

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> May 8, 2024	6:48 PM	<b>Author:</b> DUPLESSIS
<b>Dept./Agy.:</b> Louisiana Public Defender Board		
<b>Subject:</b> Extension of Deadline for Post-Conviction DNA Testing		<b>Analyst:</b> Daniel Druilhet

DNA EG1 NO IMPACT See Note  
Extends the deadline for post-conviction DNA testing. (8/1/24)

Current law provides that prior to 8/31/24, a person convicted of a felony may file an application for post-conviction relief requesting DNA testing of an unknown sample secured in relation to the offense for which he was convicted; provides that on or after 8/31/24, a petitioner may request DNA testing under the rules for filing an application for post-conviction relief; provides that after service of the application on the district attorney and law enforcement agency in possession of the evidence, the clerks of court of each parish and all law enforcement agencies, including district attorneys, sheriffs, state police, local police agencies, and crime laboratories, shall preserve until 8/31/24, all items of evidence in their possession known to contain biological material that can be subjected to DNA testing, in all cases that, as of 8/15/01, have been concluded by a verdict or plea of guilty. Proposed law changes each of the dates in current law listed as 8/31/24 to 8/31/30 and extends the date until which DNA evidence must be preserved to 8/31/30.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	<b>SEE BELOW</b>	\$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>

  

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>
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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**

The proposed law creates the DNA Testing Post-Conviction Relief for Indigents Fund to be administered by the Office of the State Public Defender. Creating a new statutory dedication within the state treasury will result in a marginal workload increase for the Department of Treasury, which can generally be absorbed within existing resources. However, to the extent other legislative instruments create new statutory dedications, there may be material additional costs associated with the aggregate effort to administer these funds. The Treasury performs fund accounting, financial reporting, banking, and custodial functions for 443 special funds. When unable to absorb additional workload with existing resources, the Treasury anticipates it will be required to add one T.O. position at a total personnel services cost of approximately \$95,000, plus approximately \$2,450 for a one-time purchase of office equipment. These expenditures are assumed to be SGF in this fiscal note, as it is to consist of money specially appropriated by the legislature.

Note: The Office of the State Public Defender is currently responsible for receiving orders from judges and remitting payments for testing of DNA evidence for those who file an application for post-conviction relief and request DNA testing. The creation of the statutorily dedicated DNA Testing Post-Conviction Relief for Indigents Fund contemplated by the proposed law may be duplicative, as the Office of the State Public Defender already administers funds for the purposes of which the proposed statutory dedication is intended.

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate  
 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**