

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



Fiscal Note On: **HB 526** HLS 14RS 563

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> March 13, 2014 3:39 PM	<b>Author:</b> NORTON
<b>Dept./Agy.:</b> Judiciary	<b>Analyst:</b> Matthew LaBruyere
<b>Subject:</b> Expungement	

CRIMINAL/PROCEDURE OR DECREASE SG RV See Note Page 1 of 1  
Provides with respect to the exemption of fees for certain expungement cases

Proposed law adds an additional circumstance for the exemption of expungement fees when the applicant has been determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to present law.

<b>EXPENDITURES</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>5 -YEAR TOTAL</b>
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<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>

  

<b>REVENUES</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

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

**REVENUE EXPLANATION**

The proposed legislation may result in an indeterminable decrease in self-generated revenue by the Department of Public Safety (DPS). Currently, DPS charges a \$250 fee for expungement of a record of arrest. According to DPS, the department processed 4,090 expungements and collected a total of \$1,022,500 in FY 13. The exact fiscal impact of the particular exemption provided by this bill is indeterminable since it is not known how many persons will be determined innocent and be entitled to compensation for wrongful conviction. To date, 21 people have been released due to a wrongful conviction and received compensation. To the extent these people have not applied for an expungement and would now be eligible for an exemption, DPS would not collect \$5,250 (\$250 expungement fee x 21 wrongfully convicted persons) in expungement fees.

The proposed legislation may also result in a decrease in local fund revenues. In addition to the fee that is paid to DPS, expungement applicants must also pay a fee to the clerk of court, sheriff, and district attorney. Under present law, the clerk of court shall collect a fee up to \$10, and the sheriff and district attorney may each charge a processing fee of \$50. The fee varies between jurisdictions. To the extent a person is exempt from expungement fees as a result of the particular exemption provided by this bill, a decrease in local funds at each agency will be realized.

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|---|----------------------------|--------------|--|
| <u>Senate</u>   | <u>Dual Referral Rules</u> | <u>House</u> | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}                    |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}       |                            |              | <input type="checkbox"/> 6.8(F)(2) >= \$500,000 State Rev. Reduc. {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} |

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