

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 517** HLS 14RS 597
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.: **REVISED**

Date: April 9, 2014	2:39 PM	Author: HUVAL
Dept./Agy.: Judiciary		Analyst: Matthew LaBruyere
Subject: Reporting of Mental Illness to the Supreme Court		

COURTS OR +\$30,000 GF EX See Note Page 1 of 1
 Provides for the reporting of information relative to certain orders involving mental illness

Proposed law provides that each district clerk of court shall report to the LA Supreme Court (LASC) the name and other identifying information of an adult who: pled guilty to or was convicted of a crime of violence and received a mental health evaluation or treatment; was acquitted of a crime of violence by reason of insanity; received a determination that the person does not have the mental capacity to proceed with a criminal trial; and received a court order involuntarily committing the person to a mental health facility. Proposed law provides that the report shall be submitted to the LASC within 10 business days of the date of conviction and that the LASC, within 15 days of receipt of the report, shall submit the information in the report to the National Instant Criminal Background Check System (NICS) database. Proposed law authorizes a person to petition the court for a judgment to revise or remove a record in any information database that the LASC makes available to NICS. Proposed law requires each mental health court to adhere to the reporting requirements in the event that the person is dismissed from the program and then pleads guilty or is convicted of the crime for which he was admitted.

EXPENDITURES	2014-15	2015-16	2016-17	2017-18	2018-19	5 -YEAR TOTAL
State Gen. Fd.	\$30,000	\$0	\$0	\$0	\$0	\$30,000
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	2014-15	2015-16	2016-17	2017-18	2018-19	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed legislation would result in an increase in state general fund expenditures. The Court already has the technological infrastructure in place with NICS due to the current requirement that the Court submit the same information on felonies to NICS. However, the LA Supreme Court anticipates a one-time \$30,000 cost to modify the system to receive information on the court orders. Due to this statutory change, the Court is anticipating approximately 1,300 records being submitted to NICS annually.

This bill may result in an indeterminable increase in local fund expenditures by district court clerks as a result of gathering information and creating reports. The expenditure impact of this bill is dependent upon the number of court orders regarding convicted persons receiving mental health evaluations and treatment, acquittals by reason of insanity, lack of mental capacity to proceed with trial, and commitment to a mental health facility. The potential costs may vary from district to district as some districts are able to gather information more easily than others.

This bill provides for the LA Supreme Court to submit information to the National Instant Criminal Background Check System (NICS) relative to persons with mental illness. This information, which is to be provided by the district courts, will be accessible at any time to law enforcement. This bill provides for a procedure by which individuals can petition the court to have any information revised or removed from the database.

The National Instant Criminal Background Check System (NICS) is a point-of-sale system for determining eligibility to purchase a firearm. This system is currently maintained by the FBI.

REVENUE EXPLANATION

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

<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}	<i>Evan Brasseaux</i> Evan Brasseaux Staff Director
<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}		