

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 148** SLS 22RS 412

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 7, 2022	8:06 AM	Author: MIZELL
Dept./Agy.: Corrections		Analyst: Rebecca Robinson
Subject: Post-conviction relief for victims of human trafficking		

CRIMINAL JUSTICE

EG SEE FISC NOTE SD EX See Note

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Provides for post-conviction relief for victims of human trafficking. (gov sig)

Proposed legislation provides post-conviction relief for victims of human trafficking. Allows for the expungement of the victim's record, without cost, upon the court's granting of the motion for post-conviction relief. The defendant is also allowed copies of all records and files related to the defendant's arrest to be provided without cost. Provides additional elements to the crime of human trafficking. Expands the definition of commercial sexual activity and fraud, force, or coercion.

EXPENDITURES	2022-23	2023-24	2024-25	2025-26	2026-27	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						
REVENUES	2022-23	2023-24	2024-25	2025-26	2026-27	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Annual Total						

EXPENDITURE EXPLANATION

There will be an indeterminable increase in expenditures of the statutorily dedicated Criminal Identification and Information Fund of the Department of Public Safety & Corrections - State Police and an increase in expenditures to local governmental entities as a result of victims of human trafficking being eligible for post-conviction relief and expungement of their record. There is no tracking mechanism within the state of Louisiana as to the number of victims of human trafficking who may have been convicted of a crime; as a result, it is unknown the number of victims that may take advantage of the post-conviction relief and expungement of their record. Therefore, the increase in expenditures is indeterminable.

There will be an indeterminable increase in expenditures to local district attorney's offices to the extent a victim of human trafficking files a motion for post-conviction relief. In response to the application for post-conviction relief, the District Attorney must research the conviction, research the defendant's status as a victim of human trafficking, respond to the motion, appear at the hearing, and provide copies of all documents to the defendant at no charge. The new grounds for post-conviction relief will increase the workload of the District Attorney, but the extent to which it does is indeterminable.

[CONTINUED ON PAGE 2]

REVENUE EXPLANATION

There will be a decrease in revenue to the statutorily dedicated Criminal Identification and Information Fund with DPS&C - State Police, as well as a decrease in local revenue to the sheriff, district attorney's office, and the clerk of court as a result of victims of human trafficking being eligible post-conviction relief and an expungement of their record. Under current law, certain individuals are not eligible for an expungement of their record. However, to the extent the proposed legislation allows for an expungement of a record where an individual was previously ineligible, there will be an indeterminable decrease in revenue to the entities listed below.

The total cost to file an expungement is \$550, with the fees being distributed to one state and three local entities, as follows: \$250 to Criminal Identification and Information Fund for the LA Bureau of Criminal Identification and Information (through the DPS&C - State Police); \$50 to the local sheriff's office, \$50 to local district attorney's office, and \$200 to the local clerk of court's office.

Note: The bill, as written, does not address the court costs associated with the filing of the motion for post-conviction relief. Should those fees also be waived, there will be a decrease in revenues to the local clerk of court.

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}

Evan Brasseaux
Evan Brasseaux
Interim Deputy Fiscal Officer

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CONTINUED EXPLANATION from page one:
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There may be an indeterminable increase in expenditures to local public defender district offices to the extent a defendant filing an application for post-conviction relief is found to be indigent. The Code of Criminal Procedure (CCRP) Article 930.7 provides that the court shall appoint counsel for an indigent petitioner when it orders an evidentiary hearing. However, the CCRP is vague as to whether the appointed counsel would be the public defender or a member of the private bar.

There will be an increase in statutory dedications expenditures through the Criminal Identification and Information Fund for the LA Bureau of Criminal Identification and Information (through the DPS&C – State Police) to process expungements for victims of human trafficking. Local expenditures will also increase for sheriff’s offices, district attorney’s offices, and clerks of court to process expungements for victims of human trafficking. There will be a further increase in expenditures to clerks of court as a result of the proposed requirement to provide copies of the defendant’s record at no cost. Any increase in workload or supplies costs to these entities as a result of this measure is indeterminable.

Note: The bill, as written, does not address the court costs associated with the filing of the motion for post-conviction relief. Should those fees also be waived, there will be an increase in expenditures to the local clerk of court.

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}

Evan Brasseaux

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