



OFFICE OF LEGISLATIVE AUDITOR
Fiscal Note

Fiscal Note On: HB 218 HLS 19RS 747
Bill Text Version: ENGROSSED
Opp. Chamb. Action: W/ SEN FLOOR AMD
Proposed Amd.:
Sub. Bill For.:

Date: June 4, 2019 10:21 AM Author: MARCELLE
Dept./Agy.: Baton Rouge City Court; 19th JDC; Various State Agencies
Subject: Probation Officers; Deferral of court costs for 19th JDC Analyst: Steven Kraemer

COURTS/CITY EGF INCREASE GF EX See Note Page 1 of 2
Provides relative to Baton Rouge City Court probation officers

Purpose of Bill: This bill authorizes the clerk of court and judicial administrator of the Baton Rouge City Court to commission probation officers. The bill also provides for training requirements, power, and authority for these officers.

Senate Floor Amendments: These amendments remove the ability for local entities and certain state agencies to defer court costs in the 19th JDC. Certain state agencies, as specified in R.S. 36:4(A), retain the ability to defer court costs in the 19th JDC, but will require the deposit of a \$200 advance filing fee. In addition, this amendment authorizes the clerk of court to utilize the Office of Debt Recovery (ODR) to collect deferred court costs that are unpaid after thirty (30) days after final judgment.

Table with 7 columns: EXPENDITURES, 2019-20, 2020-21, 2021-22, 2022-23, 2023-24, 5-YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total.

Table with 7 columns: REVENUES, 2019-20, 2020-21, 2021-22, 2022-23, 2023-24, 5-YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total.

EXPENDITURE EXPLANATION

Impact of Bill:

This bill may increase annual state general fund expenditures to provide state supplemental pay to 6 officers, and increase local fund expenditures for the Baton Rouge City Court related to POST certification costs.

Officials with the Baton Rouge City Court indicated that this bill generally puts the current practice of the Court into law. The Court has already hired 3 officers and intends to hire 3 more officers for a total of 6 officers. These positions have already been budgeted for by the City, and these officers already carry out the functions as provided for in the bill.

However, these officials indicated that the bill allows the officers to become POST certified, which could involve providing training to officers that are not POST certified or who have let their certifications lapse. The total training cost for existing officers could be \$1,200. The total training for the 3 officers that have yet to be hired may vary from \$0 to \$2,550. Therefore, Court expenditures may increase by \$1,200 to \$3,750 to provide training to officers.

An official with the Louisiana Department of Public Safety (DPS) indicated that the officers provided for in this bill would be eligible for state supplemental pay due to being POST-certified Louisiana peace officers and commissioned probation officers and because they will be employed by a law enforcement agency. Supplemental payments could increase state general fund expenditures by \$6,000 annually per officer. If 6 officers receive state supplemental pay, this could increase state general fund expenditures by \$36,000 annually (\$6,000 annually per officer x 6 officers). However, the officials with the Baton Rouge City Court indicated that the Court does not intend to request supplemental pay for these officers.

EXPENDITURE EXPLANATION CONTINUED ON PAGE 2 FOR IMPACT OF SENATE FLOOR AMENDMENTS

REVENUE EXPLANATION

Impact of Bill:

There is no anticipated direct material effect on governmental revenues as a result of this measure. Officials with the Baton Rouge City Court indicated that this bill only generally puts the current practice of the Court into law, including the powers and authority of the Court's probation officers. Therefore, there is no expected change to governmental revenue due to this bill. REVENUE EXPLANATION CONTINUED ON PAGE 2 FOR IMPACT OF SENATE FLOOR AMENDMENTS

Senate Dual Referral Rules
[X] 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
[] 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
[X] 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}

Signature of Michael G. Battle
Michael G. Battle
Manager, Advisory Services



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CONTINUED EXPLANATION from page one:

EXPENDITURE EXPLANATION CONTINUED FROM PAGE 1

Impact of Senate Floor Amendments:

There will be an indeterminable expenditure increase for all state and local governmental entities filing with the 19th JDC by either prohibiting the deferral of court costs or requiring a \$200 advance filing fee. Additionally, there will likely be an indeterminable expenditure and workload increase for state agencies associated with accounting requirements for processing payments to the 19th JDC.

State Agencies [R.S. 36:4(A)] Advance Filing Fee

For state agencies that currently elect to temporarily defer these court costs, expenditures will increase by \$200 per filing. Estimates of the number of cases filed in the 19th JDC by these state agencies vary and are overall indeterminable. The EBR clerk of court estimates \$96,000 per year based on a reported 480 annual cases. In contrast, The Office of the Attorney General (AG) indicates it files 2,700 cases annually with 30% (810) filed in the 19th JDC. Based on these figures, expenditures would increase by \$162,000 for the AG alone.

For informational purposes, the AG reports an inventory of 12,000 cases that could be filed in the 19th JDC. Not all of these cases will be related to agencies included in R.S. 36:4(A), but the minimum cost to file these cases would be \$2.4 M (\$200 advance filing fee x 12,000 cases).

State Agencies [non R.S. 36:4(A)] Deferral of court costs prohibited

The number of cases filed by these state agencies in the 19th JDC is unknown; therefore, the expenditure increase for these entities associated with the payment of court costs is indeterminable. To the extent that these state entities are required to pay court costs that otherwise would not have been required, expenditures will increase.

Local Entity deferral of court costs prohibited

To the extent these local entities are required to pay court costs that otherwise would not have been required, local expenditures will increase. Based on information provided by the EBR Clerk's office, expenditures for these local entities would increase approximately \$250,000 per year.

State Agencies administrative expenditures

The process of paying court costs when filing rather than upon receipt of final judgment will require some state agencies to develop processes for issuing physical payments to the 19th JDC, requiring additional staff and accounting. As an example, the Office of Risk Management indicates that proposed law would require two (2) additional T.O. positions to process payments and deposits, prepare claim file reconciliation, and deliver payments, for an estimated \$108,000 annually.

See the fiscal note for the reengrossed version of Senate Bill 111 for more information.

REVENUE EXPLANATION CONTINUED FROM PAGE 1

Impact of Senate Floor Amendments:

There may be an indeterminable SGR increase for the Office of Debt Recovery (ODR) to the extent the 19th JDC clerk of court elects to utilize ODR to recoup delinquent court costs assessed to a third party. ODR collects a 25% fee on collected debts.

Additionally, there may be an indeterminable increase statutorily dedicated revenues and local fund revenues as court costs and filing fees are collected. These payments will be collected by the Clerk's office, and the Clerk will keep 50% of collections and disperse the remaining 50% to recipient governmental entities as provided in state law.

The official with the Clerk's office indicated that the remaining 50% of collections will be dispersed as follows: 19th Judicial District Expense Fund (21%); 19th Judicial District Building Fund (18%); Sheriff Fees in Civil Matters (6%); Judge's Supplemental Compensation Fund (2%); Secretary of State (1%); Judicial College (0.75%); State Fiscal (0.5%); Civil Case Reporting Form (0.25%); Pro Bono Fund (0.05%); Commissioner of Insurance (0.025%); Other disbursements required by other various statutes (0.425%).

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