



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **SB 145** SLS 21RS 188
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

| | |
|---|----------------------------------|
| Date: April 19, 2021 9:44 AM | Author: WARD |
| Dept./Agy.: Judiciary/Judicial Districts | Analyst: Rebecca Robinson |
| Subject: Drug Court | |

COURTS OR SEE FISC NOTE SD EX Page 1 of 1

Provides relative to mandatory drug testing, screening, and assessment for drug and specialty court participation for certain offenders. (See Act)

Present law provides that every person arrested for a violation of the Uniform Controlled Dangerous Substances Law or a crime of violence must submit to a pretrial drug test for the presence of certain controlled substances. Proposed law retains present law and adds: 1) drug testing to occur within 24 hours of the booking of the person; 2) a person testing positive is to be clinically screened to determine if the person is suitable for a drug or specialty court program; 3) a person who is deemed suitable is subject to additional provisions of proposed law relative to mandatory assessment; 4) information relative to drug testing and screening are confidential; and 5) the costs and expenses of the drug testing and screening are eligible for reimbursement from the Drug and Specialty Court Fund created by proposed law. Proposed law provides that if monies cease to exist in the Drug and Specialty Court Fund, those testing and screening provisions will cease to be mandatory. Proposed law states that all monies received by the state in connection with the opioid litigation shall be deposited into the fund. Proposed law relative to mandatory drug testing and screening and drug and specialty courts will **take effect one year from the date on which the balance of the Drug and Specialty Court Fund reaches \$10M.**

| EXPENDITURES | 2021-22 | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 5 -YEAR TOTAL |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd. | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| 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> | <u>\$0</u> |
| Annual Total | | | | | | |

| REVENUES | 2021-22 | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 5 -YEAR TOTAL |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| 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> | <u>\$0</u> |
| Annual Total | | | | | | |

EXPENDITURE EXPLANATION

The state may realize increased Statutory Dedication expenditures out of the Drug and Specialty Court Fund if the state receives monies from the opioid litigation and those are deposited into the Fund. The Attorney General's (AG) office will administer the Drug and Specialty Court Fund and disburse monies to the Louisiana Supreme Court to fund and administer drug courts throughout the state. Funds will not be distributed until one year from the date on which the statutorily dedicated Drug and Specialty Court Fund reaches a balance of \$10 M.

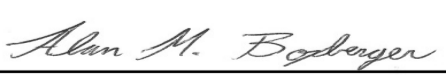
Note: *The funds in the Drug and Specialty Court Fund are to be used for the expansion and enhancement of the Louisiana Drug and Specialty Courts program at the LSC. The LFO assumes the program will continue to receive an existing SGF appropriation (\$15.9 M for FY 22), and the funds in the Drug and Specialty Court Fund will be an additional appropriation.*

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 404 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 \$71,000, plus approximately \$2,450 for a one-time purchase of office equipment. These expenditures are assumed to be SGF in this fiscal note.

REVENUE EXPLANATION

There is no immediate impact to revenues of state and local agencies, as well as other eligible entities as a result of the proposed legislation. Revenue shall be deposited by the state treasury into the statutorily dedicated Drug and Specialty Court Fund upon settlement or final adjudication of the opioid litigation. The Fund will have no other dedicated, recurring source of revenue and is assumed to be a depleting resource unless expenditures do not outpace the net of expenditures and investment returns.

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


Alan M. Boxberger
 Staff Director