



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 416** HLS 24RS 963
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 29, 2024 3:55 PM	Author: JORDAN
Dept./Agy.: Clerks of Court/Courts	Analyst: Daniel Druilhet
Subject: Automatic Expungement	

CRIMINAL/RECORDS RE DECREASE SG RV See Note Page 1 of 2
 Provides relative to expungement of criminal records

Current law provides for expungement of criminal records under certain circumstances. Proposed law provides that notwithstanding any other provisions related to expungements, the court may order an immediate expungement of a person otherwise eligible for an expungement upon successful completion of a court-ordered probation or alternative sentencing program; provides that notwithstanding any other provision of law to the contrary, a person eligible for an immediate expungement pursuant to the provisions of Article 985.3 shall be exempt from payment of the processing fees otherwise authorized by this article.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	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	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	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 is no anticipated direct material effect on governmental expenditures as a result of this measure. The proposed law permits the court to order an immediate expungement of a person otherwise eligible for an expungement upon the successful completion of a court-ordered probation or alternative sentencing program. The LFO presumes that the number of expungements that would be processed would not be impacted by enactment of proposed law's provision creating an immediate expungement, and that any potential increase in workload can be absorbed using existing resources.

REVENUE EXPLANATION

The proposed law may result in an indeterminable decrease in Statutory Dedication revenues to the Department of Public Safety & Corrections - State Police, and a decrease in local revenues to district attorneys, sheriffs, and clerks of court, to the extent that fees are not collected for the processing of immediate expungements of arrests and convictions related to successful completion of a court-ordered probation or alternative sentencing program. The proposed law has the effect of exempting those eligible for an immediate expungement upon successful completion of a court-ordered probation or alternative sentencing program from the processing fees traditionally assessed for expungements under current law (La. C.Cr.P. Art. 983). Fees assessed for the processing of expungements are payable to the Department of Public Safety & Corrections - State Police (\$250), \$50 to the local sheriff, \$50 to the District Attorney, and \$200 to the Clerk of Court.


Department of Public Safety & Corrections - State Police

The proposed law may result in an indeterminable decrease in Statutory Dedication revenues to the Department of Public Safety & Corrections - State Police's (Louisiana State Police) Criminal ID Fund. The Louisiana State Police reports that it is unable to determine the number of expungements that are currently processed for those who complete court-ordered probation or alternative sentencing programs. The Louisiana Supreme Court's Drug and Specialty Court Program Office reported a total of 788 graduates in 2022 who successfully completed a drug or other specialty court program (behavioral health court, DWI court, reentry court, veterans court, family preservation court, adult drug courts, and juvenile drug courts). The exact fiscal impact to Statutory Dedication revenues and local revenues is indeterminable, as State Police currently does not have the ability to extrapolate data specific to expungement fees processed (and waivers) for those who complete court-ordered probation or other alternative sentencing programs.

Note: The Louisiana State Police and its Office of Legal Affairs attempted to research the number of expungements processed for those sentenced to court-ordered probation and other alternative sentencing programs (processed with or without waivers) for the past three to five years and was unable to extrapolate this data.

For informational purposes, the Louisiana State Police reports an annual average of \$616,183 in revenue collected for expungements (representing an annual average of 2,468 expungements processed with fees) for the past three years. The LFO presumes that a percentage of expungements that have been processed with fees may include expungements associated with offenders who have successfully completed court-ordered probation or a drug or other specialty court program, notwithstanding any expungements processed without fees (an annual average of 3,000 that have been processed with fee waivers for the past three years). CONTINUED ON PAGE 2

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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} |


Patrice Thomas
Deputy Fiscal Officer



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CONTINUED EXPLANATION from page one:
[CONTINUED FROM PAGE 1]

Clerks of Court, District Attorneys, and Sheriffs

The proposed law may result in an indeterminable decrease in local revenues to clerks of court, district attorneys, and sheriffs. As with the Louisiana State Police, the parish clerks of court are unable to extrapolate data specific to expungement fees processed (and waivers) for those who complete court-ordered probation or other alternative sentencing programs. The LFO presumes that expungement fees processed for offenders who have completed court ordered probation or other alternative sentencing programs are included within expungement fees currently collected by the parish clerks, but the amount currently collected is indeterminable.

The Louisiana Clerks of Court reports an annual average of \$461,140 in revenue collected for expungements (representing an annual average of 2,563 expungements processed with fees) for the past three years, with 14 parish clerks not having reported information regarding its receipt of expungement fees. As with the Louisiana State Police, the parish clerks of court are unable to extrapolate data specific to expungement fees currently collected (and waivers of those fees) for those who complete court-ordered probation or other alternative sentencing programs.

Note: The LFO is working with district attorneys and sheriffs to determine the amount in fees collected by district attorneys and sheriffs for the processing of expungements for the past three years. This information will be provided as it becomes available.

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}


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