

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 828** HLS 26RS 1248
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 28, 2026	5:52 PM	Author: JORDAN
Dept./Agy.: Legislative Auditor, Corrections, AG, and District Attorneys		Analyst: Daniel Druilhet
Subject: Louisiana Correctional Medical Review Board		

CORRECTIONS OR INCREASE GF EX See Note Page 1 of 2
 Provides relative to the Louisiana Correctional Medical Review Board

Proposed law creates the Correctional Medical Review Board; tasks the board with conducting an independent review of every in-custody death occurring in correctional facilities in the state; provides for review timelines of in-custody deaths, board notifications and information to be included in notifications; provides that failure to provide timely notification shall subject the warden or facility administrator to a civil penalty of not less than \$500 nor more than \$5,000 per day for each day notification is delayed, assessed by the board and payable to the state general fund; provides for powers of the board; provides that in cases where the cause of death is in dispute, unclear, or involves allegations of staff misconduct, the board may order an independent autopsy; requires the board to issue a written report and information to be included within the review; allows for a 30 day extension of review; requires the board to refer the matter to the AG and DA where the facility is located if probable cause exists for a criminal violation; requires board notification to the US DOJ Civil Rights Division, of potential violations; provides for notification requirements to relevant licensing boards for healthcare professionals not meeting the applicable standard of care; provides that the board's reports are public records and for redaction of confidential witnesses; requires publication of an annual report with certain information; provides for rights of immediate family members of decedents relative to reviewing board findings and submitting statements to and appearing before the board; provides for appropriations to support the board and full-time staff; directs DPS&C and the board to adopt rules for implementation; provides that staffing, appropriations, and rulemaking are effective upon the governor's signature; is otherwise effective 1/01/27.

EXPENDITURES	2026-27	2027-28	2028-29	2029-30	2030-31	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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

REVENUES	2026-27	2027-28	2028-29	2029-30	2030-31	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	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0

Annual Total

EXPENDITURE EXPLANATION

Proposed law will result in an increase of no less than \$370,522 in SGF expenditures in the Louisiana Legislative Auditor, an indeterminable increase in SGF expenditures in the Office of the Attorney General, and an indeterminable increase in workload for district attorneys and district courts.

Legislative Auditor Proposed law will result in an increase of no less than \$370,522 in SGF expenditures in the Louisiana Legislative Auditor (LLA) to establish and implement the Correctional Medical Review Board. LLA reports an increase in expenditures for salaries and related benefits of two T.O. positions (an executive director and one staff attorney), along with operational services (software, equipment, etc.), professional services (contracting medical and correctional professionals for assistance), and travel. The associated expenditures are as follows:

	FY 27	FY 28	FY 29	FY 30	FY 31
Salaries	\$237,345	\$250,765	\$264,723	\$279,239	\$294,336
Related Benefits	<u>\$ 98,177</u>	<u>\$ 98,177</u>	<u>\$ 98,177</u>	<u>\$ 98,177</u>	<u>\$ 98,177</u>
Subtotal	\$335,522	\$348,942	\$362,900	\$377,416	\$392,513
Operational Costs	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Professional Services	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
Travel	<u>\$ 10,000</u>	<u>\$ 10,000</u>	<u>\$ 10,000</u>	<u>\$ 10,000</u>	<u>\$ 10,000</u>
Total	\$370,522	\$383,942	\$397,900	\$412,416	\$427,513

Additionally, costs may be generated for autopsies to be performed by forensic pathologists, selected by the review board in cases where the cause of death of an inmate in custody involves allegations of staff misconduct or failure to render aid. There is a broad range for costs related to performing autopsies, with costs ranging as low as \$3,000 and as high as \$10,000 per autopsy. The exact fiscal impact relative to this provision is indeterminable, because it is unknown the number of autopsies that may be conducted with the proposed law's enactment.

Note: The figures above are not reflective of potential expert witness fees or administrative expenses for per diem and travel reimbursement costs for the nine members of the board contemplated in the proposed law. Those estimates are indeterminable, because it is unknown whether securing expert witnesses would be necessary in any or all instances in which reviews are conducted, or the amount of travel by board members that will occur in performing duties associated with activity on the review board. **[CONTINUED ON PAGE TWO]**

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in SGF, associated with civil penalties (no less than \$500 nor more than \$5,000 per day) assessed against wardens or facility administrators of any correctional facility for failing or delaying notification to the review board of an in-custody death. The exact fiscal impact is indeterminable, as it is unknown the number of instances in which wardens or facility administrators of correctional facilities will fail or delay notification of in-custody deaths or the amount of penalties that will be imposed by the review board with the proposed law's enactment.

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}

Patrice Thomas
 Deputy Fiscal Officer



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CONTINUED EXPLANATION from page one:

[CONTINUED FROM PAGE ONE]

Attorney General Proposed law may result in an indeterminable increase in SGF expenditures in the Office of the Attorney General, to the extent that the agency receives referrals from the Correctional Medical Review Board when there is probable cause that a criminal violation occurred in connection with an inmate's death. Proposed law has the effect of allowing the Attorney General and district attorneys to conduct investigations and prosecutions in connection with inmate deaths in correctional facilities. The exact fiscal impact relative to this provision is indeterminable, because it is unknown the number of criminal prosecutions that will be referred to the Attorney General and district attorneys with the enactment of the proposed law.

District Courts Proposed law may result in an indeterminable increase in workload in local district courts, to the extent that additional trials (and related hearings) are conducted relative to criminal prosecutions by the Attorney General and district attorneys after investigation and referral by the review board that probable cause exists for a criminal violation. Additionally, there may be an increase in workload relative to civil hearings conducted in instances where wardens or facility administrators of any correctional facility fail or delay notification to the review board of an in-custody death. The exact fiscal impact to district courts is indeterminable, because it is unknown the number of instances in which trials and hearings on these matters will be scheduled under proposed law. To the extent that the workload in district courts increases, local courts may seek to secure additional personnel.

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 Patrice Thomas
Patrice Thomas
Deputy Fiscal Officer