

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **SB 326** SLS 20RS 566

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

|                                     |         |                                   |
|-------------------------------------|---------|-----------------------------------|
| <b>Date:</b> May 12, 2020           | 6:40 AM | <b>Author:</b> BARROW             |
| <b>Dept./Agy.:</b> Statewide        |         | <b>Analyst:</b> Monique Appeaning |
| <b>Subject:</b> Criminal Procedures |         |                                   |

CRIMINAL PROCEDURE OR SEE FISC NOTE SG RV Page 1 of 1  
Provides relative to criminal procedure. (8/1/20)

Proposed law provides for warrants of arrest, summons issued by a law enforcement officer in lieu of arrest, determinations of financial hardship by the court, costs and fees, and requirements for a summons in lieu of arrest for certain offenses.

| <b>EXPENDITURES</b> | <b>2020-21</b> | <b>2021-22</b> | <b>2022-23</b> | <b>2023-24</b> | <b>2024-25</b> | <b>5 -YEAR TOTAL</b> |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd.      | SEE BELOW      |                      |
| Agy. Self-Gen.      | SEE BELOW      |                      |
| Ded./Other          | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Federal Funds       | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Local Funds         | SEE BELOW      |                      |
| <b>Annual Total</b> |                |                |                |                |                |                      |

  

| <b>REVENUES</b>     | <b>2020-21</b> | <b>2021-22</b> | <b>2022-23</b> | <b>2023-24</b> | <b>2024-25</b> | <b>5 -YEAR TOTAL</b> |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Agy. Self-Gen.      | SEE BELOW      |                      |
| Ded./Other          | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Federal Funds       | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Local Funds         | SEE BELOW      |                      |
| <b>Annual Total</b> |                |                |                |                |                |                      |

**EXPENDITURE EXPLANATION**

Proposed law will create an indeterminable SGF expenditure impact on the Judiciary pertaining to specific changes regarding warrants of arrest, summons issued by a law enforcement officer in lieu of arrest, determinations of financial hardship by the court, costs and fees, and requirements for a summons in lieu of arrest for certain offenses. The Judiciary reported that there is not sufficient data to determine the fiscal impact on expenditures, as such impact will rely on numerous variables that cannot be quantified.

While proposed law does not directly impact expenditures of District Attorney and Louisiana Public Defender offices statewide, it does likely reduce the revenues used to support certain functions within those agencies by an indeterminable amount. To retain the existing workload capacity, these entities would require an alternate revenue source or appropriation from an undesignated state or local source.

**REVENUE EXPLANATION**

The Louisiana Public Defender Board (LPDB) may realize an indeterminable reduction of revenues as a result of the provisions of proposed law. LPDB reports that proposed law provides for judicial determination if people convicted lack sufficient resources to pay all or part of the fine and costs associated with their conviction. If found to be unable to pay, the judge may waive all or part of the applicable fines and costs. LPDB was unable to estimate how many persons would actually have their costs waived by judges; however, each waiver of costs would result in a reduction of conviction fees. Conviction and User Fees are the primary source of revenue for district public defender offices.

The Louisiana District Attorneys Association (LDAA) may realize an indeterminable reduction of revenues as a result of the provisions of proposed law. LDAA reports that proposed law provides for judicial discretion with regard to paying the full applicable fines and costs. This could potentially have an effect on the Office of District Attorney, since a portion of the money goes to the Office of District Attorney. However, it is not possible to determine how often this would happen or to quantify in this fiscal note. This bill requires the court to inquire about a defendant's ability to pay fine and costs immediately after imposing sentence and to provide alternatives to full payment if necessary. If the court determined that the fine and costs would be waived, there could be an impact on the Office of District Attorney, since a portion of the money does go to the Office of the District Attorney to provide for operations.

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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} |

*Evan Brasseaux*  
**Evan Brasseaux**  
**Staff Director**