

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 707** HLS 22RS 694
 Bill Text Version: **RE-REENGROSSED**
 Opp. Chamb. Action: **w/ SEN COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

Date: June 3, 2022	12:37 PM	Author: DUPLESSIS
Dept./Agy.: Public Safety, LA State Police and Supreme Court		Analyst: Patrice Thomas
Subject: Automated Expungement of Criminal Records		

CRIMINAL/RECORDS RR1 +\$3,049,816 GF EX See Note Page 1 of 2
 Provides relative to the expungement of criminal records

Beginning August 1, 2024, and every 30 days thereafter, proposed law provides for automated expungement of qualifying records (arrest and misdemeanor and felony convictions) as follows: (1) the LA Bureau of Criminal Identification and Information within the Office of State Police shall identify within its criminal repository database all records with final dispositions for individuals eligible for expungement; (2) the Bureau shall send the records with final dispositions for individuals eligible for an expungement to the LA Supreme Court Case Management Information System (CMIS); (3) within 30 days of receipt, the LA Supreme CMIS must send notice by mail or electronically of all records expunged by automation to the Clerks of the district courts; (4) the Clerks shall verify and identify such records as expunged by automation; (5) if the Clerks are unable to verify and identify any record, then the clerks shall notify CMIS and the Bureau that the record is not expunged by automation; (6) the Clerks shall send notice of all records expunged by automation to the LA Supreme CMIS, the Bureau, District Attorneys, Sheriffs, and arresting agency; and (7) the Sheriffs, and arresting agencies shall identify such records as expunged by automation according to Code of Criminal Procedure (CCRP) Article 973, but not required to segregate or sequester records;

Summary Continues on Page 2

EXPENDITURES	2022-23	2023-24	2024-25	2025-26	2026-27	5 -YEAR TOTAL
State Gen. Fd.	\$3,049,816	\$1,477,530	\$1,043,501	\$1,065,988	\$1,077,006	\$7,713,841
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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						
REVENUES	2022-23	2023-24	2024-25	2025-26	2026-27	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	\$0
Annual Total	\$0					\$0

EXPENDITURE EXPLANATION

Proposed law will increase one-time expenditures by \$1,731,880 (assumed to be SGF) and recurring expenditures by \$476,266 within the Department of Public Safety, LA State Police (LSP) in FY 23 as a result of implementing automated expungement of criminal records. LSP reports a significant workload increase to accomplish the duties required in the proposed law, which will require overtime for existing employees as well as adding 6 new T.O. positions in FY 23 (Criminal Records Analyst 2). LSP reports they will need to contract with the Office of Technology Services (OTS) in order to upgrade their computer systems for fingerprints and criminal histories. See table on page 2 for detailed expenditures.

Proposed law will increase SGF expenditures within the LA Supreme Court (LSC) by \$841,670 in FY 23 as a result of implementing automated expungement of criminal records. The Case Management Information System (CMIS) Division at the LSC reports increased expenditures of \$1.2 M (split between FY 23 and FY 24) to enhance and upgrade the case management systems at the LSC and the clerks of court; and an annual licensing cost of \$150,000 beginning FY 25. The CMIS division also reports a large workload increase to accomplish the duties described in the proposed law, which will require 2 new T.O. positions (staff Attorneys/Analysts). See table on page 2 for detailed expenditures.

Proposed law will increase Local Funds expenditures in the Clerk of Court offices. The LA Clerks of Court Association estimates that each office would need one additional position for at least four years to implement this measure. See table on page 2 for detailed expenditures.

Expenditure Explanation Continues on Page 2

REVENUE EXPLANATION

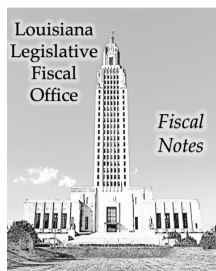
Proposed law authorizes the LA Bureau of Criminal Identification and Information, the clerk of courts, the sheriffs, the district attorneys, the Supreme Court, and the Office of State Police to file offset claims with the Department of Revenue (LDR) against the tax refund of individuals that receive an automated expungement. The offset shall be in accordance with a recommended fee scheduled. Although the proposed law is intended to offset any state and local expenditures related to automated expungement, the exact state revenue impact and local revenue impact are **indeterminable**. It is unknown the number of individuals who receive an automated expungement under this measure that will file tax returns that include a refund.

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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Interim Deputy Fiscal Officer

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CONTINUED EXPLANATION from page one:

SUMMARY Continued From Page 1

(8) the District Attorneys shall acknowledge records as expunged by automation, but not required to segregate or sequester records; (9) Before the 2023 Regular Legislative Session and no later than January 30, 2023, the Supreme Court and the Office of State Police shall recommend a fee schedule to assess upon individuals receiving an automated expungement; and (10) individuals receiving an automated expungement will have a claim against their tax refund; and (11) the tax refund shall be distributed to offset expenses to state and local agencies in the following order - the LA Bureau of Criminal Identification and Information, the clerk of courts, the sheriffs, the district attorneys, or any other agency in the proposed law.

EXPENDITURE EXPLANATION Continued from Page 1

LA State Police (LSP) - \$2,208,146 SGF (\$1,731,880 one-time and \$476,266 recurring) - Based on information from the Office of Technology Services (OTS), DPS estimates it will require 1,300 work hours at a total cost of \$105,508 (1,300 hours x \$80 per hour x 1.45% Medicare) by an IT Management Consultant 1 and 1,300 work hours at a total cost of \$195,000 (1,300 hours x \$150 per hour) by an IT Project Manager as well as additional servers and database at a total cost of \$75,000 to assist with project management. Also, the upgrades and modifications to the Computerized Criminal History (CCH) repository and the Automated Fingerprint Identification System (AFIS) will be completed by an IT contractor at an estimated cost of \$1,339,772.

The department reports overtime costs for current employees of \$79,034 as well as needing 6 new positions at an annual cost of \$413,832. The staffing estimate includes \$379,652 (salaries and related benefits), maintenance (\$1,800), supplies (\$1,800), uniforms (\$4,800), telephones (\$2,016), computer services (\$7,164), and acquisition of office furniture (\$9,600) and fax/printers (\$7,000). See Table below.

EXPENDITURES	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27
Personnel (6 new positions)	\$215,406	\$219,714	\$224,108	\$228,591	\$233,162
Overtime (existing positions)	\$77,904	\$77,904	\$77,904	\$77,904	\$77,904
Related Benefits	\$165,376	\$167,141	\$168,940	\$170,775	\$172,648
Personnel Sub-Total	\$458,686	\$464,759	\$470,952	\$477,270	\$483,714
Operating Services	\$1,800	\$151,800	\$151,800	\$151,800	\$151,800
Supplies	\$6,600	\$6,600	\$6,600	\$6,600	\$6,600
Professional Services	\$1,339,772				
IAT - OTS	\$375,508				
IAT - Telephones, Computers	\$9,180	\$9,180	\$9,180	\$9,180	\$9,180
Acquisitions	\$16,600	\$0	\$0	\$6,000	\$0
TOTAL	\$2,208,146	\$632,339	\$638,532	\$650,850	\$651,294
T.O.	6	6	6	6	6

Note: In subsequent fiscal years, the fiscal note presumes a 2% increase in salaries and related benefits as well as acquisitions of replacement data equipment (printers, fax) in FY 26.

LA Supreme Court (LSC) - \$841,670 SGF (\$600,000 one-time and \$241,670 recurring) - LSC reports upgrades and enhancements to the clerk of courts' CMIS to report expunged records automatically of \$1.2 M and an annual license of \$150,000 in subsequent fiscal years. To implement the proposed law, LSC reports needing 2 new positions to work with the Clerks of Courts beginning in FY 23 with salary and related benefits of \$233,990. The additional staff will need equipment and software equipment (\$3,690 per position) and supplies (\$150 per position).

EXPENDITURES	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27
Personnel (2 new positions)	\$140,000	\$145,600	\$151,424	\$157,481	\$163,780
Related Benefits	\$93,990	\$97,750	\$101,660	\$105,726	\$109,955
Personnel Sub-Total	\$233,990	\$243,350	\$253,084	\$263,207	\$273,735
Supplies	\$300	\$307	\$315	\$322	\$330
Professional Services	\$600,000	\$600,000	\$150,000	\$150,000	\$150,000
Computers/Software Equip	\$7,380	\$1,534	\$1,571	\$1,608	\$1,647
TOTAL	\$841,670	\$845,191	\$404,969	\$415,138	\$425,712
T.O.	2	2	2	2	2

Note: In subsequent fiscal years, the fiscal note presumes a 4% increase in salaries and related benefits as well as computer and software equipment.

Clerk of Courts - \$3,548,160 Local Funds - To implement the proposed law, the LA Clerk of Courts Association reports each of the 64 parish clerk of courts will need at least one additional position to process the approximately 2,595,846 records from 2000 to 2021 that would be eligible for automated expungement. The average annual costs of a clerk position is \$55,440 (\$36,000 salary and \$19,440 related benefits), with a total costs of \$3,548,160 (\$55,440 x 64 positions, one per parish). The Association reports that it will take 4 years to process the approximately 2.5 M records.

District Attorneys - There is no anticipated direct material effect on governmental expenditures as a result of this measure. The LA District Attorney Association (LDAA) reports any fiscal impact of the proposed bill will be negligible.

LA Department of Revenue (LDR) - Proposed law has an indeterminable impact on LDR. At the time of publishing this fiscal note, LDH has not provided a response.

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