



LEGISLATIVE FISCAL OFFICE  
Fiscal Note

Fiscal Note On: **HB 572** HLS 25RS 897  
Bill Text Version: **ORIGINAL**  
Opp. Chamb. Action:  
  
Proposed Amd.:  
Sub. Bill For.:

<b>Date:</b> April 22, 2025	8:40 PM	<b>Author:</b> GLORIOSO
<b>Dept./Agy.:</b> State Police/Treasury/Judiciary/District Attorneys		
<b>Subject:</b> Post-Conviction Relief		<b>Analyst:</b> Daniel Druilhet

CRIMINAL/PROCEDURE OR INCREASE GF EX See Note Page 1 of 2  
Provides relative to post conviction relief

Current law provides for rules, procedures, grounds for dismissal, burden of proof relative to the post-conviction relief process. Proposed law provides that if a sentence does not fall within the legal sentencing range, it may be corrected within one year after the judgment of conviction and sentence has become final; provides that on direct review from conviction and imposition of sentence, an appellate court may vacate an unlawful sentence and remand to the trial court for re-sentencing; requires a petition to allege that a person seeking post-conviction relief (PCR) is actually in custody and the name of the place of custody, if known; requires an initial and successive PCR petition to be served on the Attorney General (AG); provides that a defendant who pled guilty to an offense shall not be entitled to assert factual innocence; provides that a defendant waives attorney-client privilege as to any information necessary to the state to rebut the claim if he asserts ineffective assistance of counsel; requires preliminary review of all PCR petitions for compliance with limitations for relief; provides for notice to the AG if certain applications are filed, procedures for those that cannot be summarily dismissed, and AG’s assumption of responsibility relative to state petitions and capital cases pending as of 7/01/25; expands PCR DNA testing in felony cases; lists petitioner duties regarding abandonment of an application; provides for notice and service requirements for amending a PCR application; provides that the AG and district attorney may suspensively appeal any order granting PCR; provides that a petitioner sentenced to death shall file a PCR application that contains a new claim or pleading no later than 7 days prior to his execution date; provides for dismissal of action based upon prejudice.

EXPENDITURES	2025-26	2026-27	2027-28	2028-29	2029-30	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	SEE BELOW	\$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	2025-26	2026-27	2027-28	2028-29	2029-30	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

EXPENDITURE EXPLANATION

Proposed law will likely result in an indeterminable, but significant, increase in SGF expenditures in the Office of the State Public Defender (\$8.1 M), the Department of Public Safety and Corrections (\$296,481), the Attorney General, district attorneys, and district courts.

Office of the State Public Defender

Proposed law will likely result in an increase of \$8.1 M SGF expenditures in FY 26 (and in subsequent fiscal years) in the Office of the State Public Defender, to the extent that offices contracted by the Office of the State Public Defender to perform capital services would be required to increase the number of staff for evidentiary hearings that are contemplated in the proposed law. Currently, the Mwalimu Center for Justice and the Loyola Law Clinic collectively have manpower on staff to represent 12 of the 40 cases that the Office of the State Public Defender is responsible for at the post-conviction stage. The proposed law would require program contract amounts to be increased by 333%, which is also true for post-conviction expert witness funds, which are annually appropriated in the amount of \$365,000. To address the manpower issue, the two program offices would require an additional \$6.8 M in additional funding, along with an additional \$1.2 M in funding relative to the Expert Witness Fund.

Mwalimu Center for Justice/Loyola Law Clinic	\$ 6,841,787
Expert Witness Fund	\$ 1,216,666
<b>Total SGF Increase (FY 26)</b>	\$ 8,058,453


Treasury

Treasury requires certain resources to create and administer a statutory dedication, as in this measure. Should aggregate session action result in the creation of funds beyond that which can be absorbed within existing resources, additional funding may be required, which is assumed to be SGR in this fiscal note.

[CONTINUED ON PAGE 2]

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate	Dual Referral Rules	House	
<input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}		<input checked="" 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:

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**Department of Public Safety and Corrections - State Police**  
Proposed law will likely result in an increase in SGF expenditures in the Department of Public Safety and Corrections - State Police, to the extent that it expands post-conviction relief access to DNA testing in felony cases. The volume of DNA testing is expected to increase, particularly in the first two years of the proposed law’s implementation, which will require an increase in personnel, training, overtime, and supplies needed to process DNA tests. State Police will incur additional expenditures in personal services (one DNA Technician and one DNA Analyst) and operating services (DNA test kits, reagents, and consumables), as follows:

Personal Services					
Salaries	<b>FY 26</b>	<b>FY 27</b>	<b>FY 28</b>	<b>FY 29</b>	<b>FY 30</b>
Regular	\$136,064	\$140,146	\$144,350	\$148,681	\$153,141
Overtime	<u>\$ 20,000</u>	<u>\$ 20,000</u>	<u>\$ 20,000</u>	<u>\$ 20,000</u>	<u>\$ 20,000</u>
Total Salaries	\$156,064	\$160,146	\$164,350	\$168,681	\$173,141
Related Benefits					
Retirement	\$ 47,268	\$ 48,686	\$ 50,147	\$ 51,651	\$ 53,201
Medicare	\$ 1,973	\$ 2,032	\$ 2,093	\$ 2,156	\$ 2,221
Group Insurance	<u>\$ 26,460</u>	<u>\$ 26,460</u>	<u>\$ 26,460</u>	<u>\$ 26,460</u>	<u>\$ 26,460</u>
Total Related Benefits	<u>\$ 75,701</u>	<u>\$ 77,178</u>	<u>\$ 78,700</u>	<u>\$ 80,267</u>	<u>\$ 81,881</u>
<b>Total Personal Services</b>	\$231,765	\$237,324	\$243,050	\$248,948	\$255,022
<b>Travel</b>	\$ 30,000	\$ 20,000	\$ 10,000		
<b>Operating Services</b>	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600
Supplies					
Office	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600
Lab Supplies	<u>\$ 30,000</u>	<u>\$ 30,000</u>	<u>\$ 30,000</u>	<u>\$ 30,000</u>	<u>\$ 30,000</u>
<b>Total Supplies</b>	\$ 30,600	\$ 30,600	\$ 30,600	\$ 30,600	\$ 30,600
<b>Total IAT</b>	<u>\$ 3,516</u>	<u>\$ 3,516</u>	<u>\$ 3,516</u>	<u>\$ 3,516</u>	<u>\$ 3,516</u>
<b>Total Expenditures</b>	\$ 296,481	\$ 292,040	\$ 287,766	\$ 283,664	\$ 289,738

**Supreme Court**  
Proposed law will likely result in an indeterminable increase in SGF expenditures in the Louisiana Supreme Court, to the extent that civil courts experience an increase in post-conviction relief filings due to shorter deadlines imposed on pleadings, specifically motions to correct illegal sentences. The proposed law has the effect of also shifting review from criminal to civil court, which would likely result in civil district courts potentially having to secure additional staff due to increased workload. Additionally, there are approximately 50 persons on death row, and those attorneys currently performing capital post-conviction work would assume an additional workload to address the potential for waiver of claims for post-conviction relief without the opportunity to fully litigate claims on collateral review. Considering the ratio of attorneys assigned relative to the shift in priority for capital post-conviction work, there would be a significant increase in additional funding needed to secure additional staff to adequately provide representation, considering the shorter deadlines imposed. The exact fiscal impact is indeterminable, because it is unknown the number of capital and non-capital post-conviction relief cases that would be immediately impacted due to the changes imposed in proposed law.

**District Courts and District Attorneys**  
Proposed law may result in an indeterminable increase in workload in local district courts and district attorneys’ offices, to the extent that additional hearings are held on post-conviction relief. The exact fiscal impact to district courts and district attorneys is indeterminable, because it is unknown the number of instances in which hearings on these matters will be scheduled under proposed law as a result of filings submitted by individuals seeking post-conviction relief. Proposed law has the effect of potentially increasing the number of filings and related hearings for post-conviction relief that would involve local district attorneys and increase workload within the respective offices and district courts. The exact fiscal impact of the proposed law to district attorneys and district courts is indeterminable, because it is unknown the number of instances in which hearings on these matters will be scheduled under proposed law. To the extent that workload in district attorneys’ offices and district courts increases, district attorneys and district courts may seek to secure additional personnel.

**Attorney General**  
Proposed law will likely result in an indeterminable increase in SGF expenditures in the Attorney General, to the extent that the Attorney General assumes responsibility for state petitions and capital cases pending as of 7/01/25 and has the ability to appeal any order granting post-conviction relief, submit procedural objections, or respond to any petitions for post conviction relief, supplemental and amending petitions, and federal habeas corpus petitions, and matters arising from or related to a capital sentence that is final after direct review. Proposed law has the effect of potentially increasing the number of filings and related hearings for post-conviction relief that would involve the Attorney General and increase the workload within the office. The exact fiscal impact of the proposed law to the Attorney General is indeterminable, because it is unknown the number of instances in which hearings on these matters will be scheduled under proposed law.