



OFFICE OF LEGISLATIVE AUDITOR
Fiscal Note

Fiscal Note On: SB 150 SLS 11RS 297
Bill Text Version: ENROLLED
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: June 22, 2011 1:46 PM Author: MARTINY
Dept./Agy.: Clerks of Courts; Sheriffs; DAs Analyst: Steven Kraemer
Subject: Processing Fees for Expungement

CLERKS OF COURT EN SEE FISC NOTE LF See Note Page 1 of 1
Authorizes the collection of the expungement processing fee by the clerk of court. (8/15/11)

Purpose of Bill: This bill requires the Clerk of Court to collect and remit expungement processing fees to the Sheriff and District Attorney (DA) if the court finds that the mover (party filing for expungement) is entitled to relief. In addition, this bill requires the Clerk of Court to return the processing fee to the moving party if the court does not grant relief.

Table with 7 columns: EXPENDITURES/REVENUES, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 5-YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total.

EXPENDITURE EXPLANATION

Some Clerk of Court Offices may not experience an increase in expenditures as a result of this measure. Officials with the Clerk of Court Offices in Calcasieu, Caldwell, and Desoto parishes indicated that this bill would not impact the expenditures of their respective Clerk of Court Offices because they have already implemented this practice.

However, this measure may increase the expenditures of certain parish Clerk of Court Offices statewide by an indeterminable amount. An official with the St. Landry Parish Clerk of Court's Office indicated that this bill may increase the expenditures of the Clerk's Office due to increased workload to collect and remit these fees to the District Attorney and Sheriff. An official with the Jefferson Parish Clerk of Court's Office indicated that this bill may increase the 2012 expenditures of the Clerk's Office by approximately \$2,600 for additional computer related services.

This measure appears to have no material effect on expenditures for DAs or Sheriffs. We spoke with officials from the Louisiana Sheriffs Association, local DA Offices, and one Sheriff's Office. They informed us that the Clerk of Court taking over this function from DAs and Sheriffs would not reduce expenditures of the DAs or Sheriffs by a material amount.

REVENUE EXPLANATION

This measure appears to have no anticipated direct material effect on governmental revenues for Clerk of Court Offices. Officials with the Clerk of Court Offices in Calcasieu and Caldwell parishes indicated that this bill does not provide any administrative fees for this new requirement. In addition, officials with the Clerk of Court Offices in Calcasieu, Jefferson, Caldwell, Desoto, and St. Landry parishes indicated that this bill would not impact the revenues of their respective Clerk of Court Offices.

However, there may be a minimal decrease in local government revenues for Sheriffs or DAs. We contacted two DA Offices and one Sheriff's Office. One of our contacts stated that local revenues could decrease if the Clerk of Court has to return collected fees. However, this official informed us that the revenue reduction would be minimal. In addition, our other contacts reported there would be no decrease to revenues because they do not keep fees if expungement is denied.

Senate Dual Referral Rules House
13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} 6.8(F)1 >= \$500,000 Annual Fiscal Cost {S}
13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} 6.8(F)2 >= \$100,000 Annual SGF Cost {H&S}
6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}
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