

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 111** SLS 23RS 326

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 29, 2023	6:37 AM	Author: DUPLESSIS
Dept./Agy.: Public Safety, LA State Police and Supreme Court		Analyst: Patrice Thomas
Subject: Automatic Expungement of Criminal Records		

CRIMINAL RECORDS EG +\$3,732,790 GF EX See Note Page 1 of 2
Provides relative to the expungement of criminal records. (8/1/23)

Beginning August 1, 2024, and every 30 days thereafter, proposed law provides for automated expungement of qualifying records (arrest and misdemeanor and felony convictions) back to 1/01/2000 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. Proposed law provides funding to each sheriff through LCLE. Proposed law effective upon funding.

EXPENDITURES	2023-24	2024-25	2025-26	2026-27	2027-28	5 -YEAR TOTAL
State Gen. Fd.	\$3,732,790	\$1,078,581	\$1,002,575	\$1,023,271	\$1,056,767	\$7,893,984
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	2023-24	2024-25	2025-26	2026-27	2027-28	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will increase one-time expenditures by \$1,794,472 (assumed to be SGF) and recurring expenditures by \$493,701 within the Department of Public Safety and Corrections, Public Safety Services (DPS), LA State Police (LSP), LA Bureau of Criminal Identification and Information in FY 24 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 24 (Criminal Records Analyst 3). 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 \$1,444,617 in FY 24 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 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 Analysts). See table on page 2 for detailed expenditures.

Proposed law will increase Local Funds expenditures in the Clerk of Court Offices by \$4,781,200. 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 will result in an indeterminable decrease in self-generated revenue for the LA State Police (LSP), Clerks of Court, District Attorneys, and Sheriffs as a result of the proposed law. Currently, the Code of Criminal Procedure Article 983 provides for the cost of the expungement of a record. The current total cost to obtain a court order expunging a record shall not exceed \$550. The fees are disbursed as follows: State Police - \$250; Sheriff's Office - \$50; District Attorney - \$50; and Clerk of Court - \$200. Code of Criminal Procedure Article 984(C) provides for an additional \$50 fee to be paid to the Department of Public Safety, Office of Motor Vehicles (OMV) for a person's filing for an expungement of a record involving the operation of a motor vehicle while intoxicated. Proposed law provides for an automated expungement of criminal records from 2000 to present, which eliminates all fees associated with obtaining the expungement of a record by a person's filing. The exact decrease in revenue for LSP and OMV as well as local revenue is **indeterminable** as it is unknown the number of individuals who may file a motion for an expungement in the future that will no longer file as a result of this measure.

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:
EXPENDITURE EXPLANATION Continued from Page 1

LA State Police (LSP) - \$2,288,173 SGF (\$1,794,472 one-time and \$493,701 recurring) - Based on information from the Office of Technology Services (OTS), DPS estimates additional servers and database at a total cost of \$13,800 (\$1,150 per month). 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 \$1,778,872 in FY 24 and ongoing maintenance of \$150,000 in future fiscal years. The department reports overtime costs for current employees of \$134,761 (\$66,385 in FY 24 and \$68,376 in FY 25(as well as needing six (6) new positions at an annual cost of \$403,013 (\$230,508 salary and \$172,505) as well as maintenance (\$1,800), supplies (\$1,800), telephones (\$2,016), computer services (\$3,924), and acquisition of office furniture (\$9,600) and fax/printers (\$6,000). See Table below.

EXPENDITURES

Positions	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Criminal Records Analyst 3 (6 positions)	\$230,508	\$237,423	\$244,546	\$251,882	\$259,439
Overtime (existing positions)	\$66,385	\$68,377	\$0	\$0	\$0
Salaries	\$296,893	\$305,800	\$244,546	\$251,882	\$259,439
Related Benefits	\$173,468	\$203,024	\$178,380	\$181,451	\$184,613
Personal Services Sub-total	\$470,361	\$508,824	\$422,926	\$433,333	\$444,052
Operating Services	\$1,800	\$1,800	\$1,800	\$1,800	\$1,800
Supplies	\$1,800	\$1,800	\$1,800	\$1,800	\$1,800
Professional Services	\$1,778,872	\$150,000	\$150,000	\$150,000	\$150,000
IAT	\$19,740	\$19,740	\$19,740	\$19,740	\$19,740
Acquisitions	\$15,600	\$0	\$0	\$0	\$6,000
Total Expenditures	\$2,288,173	\$682,164	\$596,266	\$606,673	\$623,392
T.O.	6	6	6	6	6

Note: In subsequent fiscal years, the fiscal note presumes a 3% increase in salaries and related benefits as well as acquisitions of replacement data equipment (printers, fax) in FY 28.

LA Supreme Court (LSC) - \$1,444,617 SGF (\$1.2 M one-time and \$244,617 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 two (2) new positions to work with the Clerks of Courts beginning in FY 24 with salary and related benefits of \$236,507. The additional staff will need equipment and software equipment (\$3,905 per position) and supplies (\$150 per position).

EXPENDITURES

Positions	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Analyst 3 (2 positions)	\$140,000	\$145,600	\$151,424	\$157,481	\$163,780
Related Benefits	\$96,507	\$99,057	\$103,019	\$107,139	\$111,426
Personal Services Sub-total	\$236,507	\$244,657	\$254,443	\$264,620	\$275,206
Supplies	\$300	\$318	\$337	\$357	\$378
Professional Services	\$1,200,000	\$150,000	\$150,000	\$150,000	\$150,000
Computer/Software Equip	\$7,810	\$1,442	\$1,529	\$1,621	\$7,791
Total Expenditures	\$1,444,617	\$396,417	\$406,309	\$416,598	\$433,375
Positions	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 - \$4,781,200 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 and programming changes to current software to process the approximately 2,595,846 records that would be eligible for automated expungement. The average annual cost of a clerk position is \$55,440 (\$36,000 salary and \$19,440 related benefits), with a total cost of \$4,027,200 (\$62,925 x 64 positions, one per parish). The Association reports that it will take 4 years to process the approximately 2.5 M records. The Association reports needing \$754,000 for software changes and installation (\$320,000) as well as training (\$434,000). The parishes of Jefferson and Orleans have in-house software that will require an indeterminable amount of funding to reprogram.

Expenditures

Positions	Annual Cost
Clerks (64 positions)	\$2,483,200
Related Benefits	\$1,544,000
Personal Services Sub-total	\$4,027,200
Computer System Upgrades	\$320,000
Training	\$434,000
Total Expenditures	\$4,781,200

District Attorneys - There is no anticipated direct material effect on governmental expenditures as a result of this measure. The proposed law does not require manual sequestration of expungement records by the District Attorney's Offices. As a result, the LA District Attorney Association (LDAA) reports offices may experience an increase in expungements that can be processed utilizing existing resources. To the extent any manual sequestration is required, LDAA reports the proposed law would significantly increase the workload and may result in an increase in expenditures of approximately \$6 M annually.

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