

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 556** HLS 20RS 94

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 18, 2020	6:40 AM	Author: DUPLESSIS
Dept./Agy.: Judiciary		Analyst: Monique Appeaning
Subject: Juvenile Court Fees		

COURTS/COURT COSTS OR DECREASE SG RV See Note Page 1 of 2
Provides relative to juvenile court fees

Proposed law eliminates administrative fees, costs, and taxes related to juvenile delinquency.

EXPENDITURES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

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

EXPENDITURE EXPLANATION

There is no anticipated direct material effect on governmental expenditures as a result of this measure. While proposed law does not directly impact state or local governmental expenditures, it does eliminate revenues used to support certain functions within multiple state and local agencies (see revenue discussion below and on page 2).

NOTE: To the extent that the legislature continues to fund the state activities in impacted agencies at the same level in subsequent fiscal years, the funding sources supporting the base expenditures must be replaced by SGF or another revenue source to supplant the loss revenues generated by administrative fees, costs and taxes related to juvenile delinquency. These activities would compete for annual SGF resources along with other significant SGF supported services. Likewise, local agencies would require local governing authorities to supplant any loss of funds from general operating revenues in order to maintain current activity levels.

Louisiana Department of Revenue (LDR)

LDR reports that there will be no cost as a result of proposed law. There will be no programming costs and the courts will have to exclude affected individuals on the current list of delinquent debt with the Office of Debt Recovery.

REVENUE EXPLANATION

Office of Juvenile Justice (OJJ)

Present law provides that the child in custody, or the parents or guardians thereof, are responsible for fees, costs or taxes. OJJ currently collects revenue related to Supervision Fees and Costs of Care and Treatment for youth in custody. Proposed law will eliminate all of these fees. If enacted, OJJ will either be required to make a reduction in expenditures associated with community based services offered to youth under its supervision or to receive a replacement appropriation (presumed to be SGF) to maintain those services at current levels. OJJ reports that it strives to provide services meeting best practice standards as a barrier to young people further penetrating the juvenile justice system. In CY 19, OJJ collected \$84,581 in Supervision Fees and \$275,578 in custody cost of care reimbursement for a total of \$360,159. In CY 18 a total of \$590,829 was collected (Supervision - \$148,281 and Custody - \$442,548).

Department of Children and Family Services (DCFS)

DCFS reports that proposed law will create no fiscal impact to the department.

SEE REVENUE EXPLANATION CONTINUED ON PAGE TWO

<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 checked="" 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

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CONTINUED EXPLANATION from page one:
REVENUE EXPLANATION CONTINUED FROM PAGE ONE

Louisiana Public Defender Board (LPDB)

Proposed law is expected to result in a negligible but indeterminable decrease in conviction and user fees received by the local public defender districts. LPDB reports that districts rarely yield revenues from representation of juvenile clients. Many districts have general jurisdiction courts, such that both criminal and juvenile matters are handled in district court. Therefore, LPDB is unable to parse out the exact amount of revenues that are received for juvenile matters. Any decrease is expected to be negligible.

Judiciary

Proposed law will have an indeterminable revenue impact on the Judiciary. The judiciary reports that it does not have sufficient data available to determine the revenue impact.

Louisiana District Attorney Association (LDAA)

LDAA reports that proposed law may create an indeterminable impact on revenues for district attorney offices statewide. The structure of how fees are assessed and distributed in juvenile court can vary by jurisdiction because some districts have separate juvenile courts while others are part of the regular court system. It is not possible to discern any fiscal impact to the Office of District Attorney because of the variance between districts. Costs charged under the provisions of LA C.Cr.P. Art 887 re: costs of prosecution, are not uniformly ordered between judicial districts, and the costs would vary greatly by case. Additionally, this provision is rarely if ever used in juvenile court because the Children’s Code determines whether a juvenile is indigent. For this reason, it is not possible to assess what costs of prosecution the Office of District Attorney would potentially be unable to recover. Therefore, while there may be a revenue impact due to these changes, it is not possible to quantify at this time.

Clerks of Courts did not provide a response at the time of this publication. The LFO is unable to determine whether proposed law will impact fees, costs and/or taxes that may be due to the clerks for matters related to juvenile delinquency.

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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