

### Fiscal Estimate - 2005 Session

Original     
  Updated     
  Corrected     
  Supplemental

LRB Number **05-2072/2** Introduction Number **AB-1033**

**Description**  
 Authority for an off-duty peace officer to act outside his or her territorial jurisdiction

**Fiscal Effect**

**State:**

- No State Fiscal Effect
- Indeterminate
  - Increase Existing Appropriations
  - Decrease Existing Appropriations
  - Create New Appropriations
  - Increase Existing Revenues
  - Decrease Existing Revenues
  - Increase Costs - May be possible to absorb within agency's budget
    - Yes
    - No
  - Decrease Costs

**Local:**

- No Local Government Costs
  - Indeterminate
    - 1.  Increase Costs
      - Permissive  Mandatory
    - 2.  Decrease Costs
      - Permissive  Mandatory
    - 3.  Increase Revenue
      - Permissive  Mandatory
    - 4.  Decrease Revenue
      - Permissive  Mandatory
5. Types of Local Government Units Affected
- Towns
  - Counties
  - School Districts
  - Village
  - Others
  - WTCS Districts
  - Cities

**Fund Sources Affected** **Affected Ch. 20 Appropriations**

GPR  
  FED  
  PRO  
  PRS  
  SEG  
  SEGS

<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
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**Fiscal Estimate Narratives**

**SPD 2/17/2006**

LRB Number <b>05-2072/2</b>	Introduction Number <b>AB-1033</b>	Estimate Type <b>Original</b>
<b>Description</b> Authority for an off-duty peace officer to act outside his or her territorial jurisdiction		

**Assumptions Used in Arriving at Fiscal Estimate**

The State Public Defender (SPD) provides legal representation in criminal cases and other specified proceedings in which the loss of personal liberty or parental rights may occur. For adult clients, the SPD must complete a financial eligibility evaluation before appointing an attorney. SPD services are constitutionally required because in the case types handled by SPD, a defendant without the financial means to hire an attorney has the right to have an attorney appointed. Therefore, any bill that would increase the number of cases handled by SPD would increase SPD costs.

This bill relate primarily to the authority of law enforcement officers to make arrests outside of their territorial jurisdiction. Thus, the law does not create new criminal offenses, but expands slightly the circumstances in which such arrests might occur. The SPD is not aware of any data regarding cases in which officers witnessed offenses in other jurisdictions or otherwise had opportunities to make arrests such that this bill might result in additional criminal charges being brought. Generally, a law enforcement officer would report the underlying information to local authorities, thus often resulting in appropriate investigation and charging decisions.

If additional criminal cases result from this bill, counties would also see additional costs for providing attorneys at county expense and for additional jail inmates.

**Long-Range Fiscal Implications**