

Fiscal Estimate - 2005 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 05-3492/1	Introduction Number AB-648	
Subject		
Retention and testing of DNA evidence; time limits for prosecution of a crime related to a sexual assault; procedures for using an eyewitness to identify a suspect; recording custodial interrogations		
Fiscal Effect		
State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input checked="" type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input checked="" type="checkbox"/> Increase Existing Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input checked="" type="checkbox"/> Village <input checked="" type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Existing Costs 4. <input type="checkbox"/> Decrease Revenue <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected Affected Ch. 20 Appropriations <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
Agency/Prepared By	Authorized Signature	Date
CTS/ Nancy Rottier (608) 267-9733	Nancy Rottier (608) 267-9733	9/7/2005

Fiscal Estimate Narratives
CTS 9/7/2005

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Subject					
Retention and testing of DNA evidence; time limits for prosecution of a crime related to a sexual assault; procedures for using an eyewitness to identify a suspect; recording custodial interrogations					

Assumptions Used in Arriving at Fiscal Estimate

This bill incorporates the recommendations made by the Avery Task Force, including changes relating to recording of custodial interrogations, retention of evidence containing DNA, testing of DNA evidence, the statutory time limits for prosecuting certain felony sexual assaults and eyewitness identification procedures. The bill establishes a grant program administered by the Office of Justice Assistance for the funding of the purchase, installation or maintenance of digital recording equipment by law enforcement agencies. It funds the grant program by a 1% increase in the penalty surcharge.

This bill would allow some prosecutions to be brought that would be barred under current law. Additional court proceedings could be generated under the terms of this bill, but it is impossible to predict how frequently that may happen. It is expected that existing court staff would absorb any additional proceedings.

In addition, the bill adds requirements for retention of evidence containing DNA. It is expected existing court staff would absorb any additional requirements for retention of that evidence.

This bill increases the penalty surcharge from its current 25% to 26% of the amount of fines or forfeitures assessed by a court. Both the circuit courts and municipal courts assess the penalty surcharge.

From July, 2004 through June, 2005 the circuit courts collected \$11,660,006.76 in penalty surcharges. Municipal courts submit penalty surcharge revenues directly to the Department of Administration (DOA). According to data from DOA, during the same period, municipal courts collected and submitted \$6,567,024.24 in penalty surcharge revenues. Using these figures, the total of penalty surcharge revenues collected during the fiscal year ending June 2005 is \$18,277,031.00. These collections were based on a penalty surcharge of 24% of the amount of fines or forfeitures assessed by a court.

In the most recent budget, 2005 Wisconsin Act 25, the penalty surcharge was increased from 24% to 25%. As part of the budget process, the Legislative Fiscal Bureau (LFB) estimated the fiscal impact of the one percent increase in the penalty surcharge. In Paper #465, dated May 23, 2005, the LFB estimated the increase from 24% to 25% would result in collections of \$19,272,500 in the 2005-06 fiscal year.

Based on this data, we estimate the increase in the penalty surcharge from 25% to 26% would result in additional revenues of approximately \$761,500 during the first full year in which it is assessed.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2005 Session

Detailed Estimate of Annual Fiscal Effect

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I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$	
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$	\$
B. State Costs by Source of Funds			
GPR			
FED			
PRO/PRS			
SEG/SEG-S			
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			
PRO/PRS		761,500	
SEG/SEG-S			
TOTAL State Revenues		\$761,500	\$
NET ANNUALIZED FISCAL IMPACT			
		State	Local
NET CHANGE IN COSTS		\$	\$
NET CHANGE IN REVENUE		\$761,500	\$
Agency/Prepared By		Authorized Signature	Date
CTS/ Nancy Rottier (608) 267-9733		Nancy Rottier (608) 267-9733	9/7/2005