

Fiscal Estimate Narratives

DA 9/6/2005

LRB Number	05-3495/1	Introduction Number	SB-315	Estimate Type	Corrected
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

Although workload issues are somewhat speculative at this time, based upon the experience of many prosecutors working with juvenile cases, following the recent state Supreme Court decision requiring such cases to have recordings, the following conclusion may be tentatively drawn:

- 1) In cases where the allegations are very serious (sexual assaults, homicides, armed robbery, etc.), prosecutors often feel bound to listen to the tape, even when the written police summary is available.
- 2) The written police summaries are often not as well done as would be liked and the officer often cannot be reached before the prosecutor reaches a mandatory time limit. Thus the prosecutor must listen to the tape to proceed in a timely manner.
- 3) Anytime a prosecutor listens to the tape, listening just once is often not enough. The quality of the tapes is a factor as is the fact that many defendants do not speak easily understandable tape recorded English. In many cases, English is the defendant's second language.
- 4) Many prosecutors have found that they are getting just as many defense motions as before the court's juvenile taping decision. This is irrespective of the quality of the Miranda waiver given. The defense motions now focus on what occurred prior to the tape recording.

The result of the juvenile taping requirement, thus far, has often been that more prosecutor time per case is needed.

The reforms proposed by this bill, thus, are anticipated to create additional prosecutorial workload issues once expanded to the adult system.

Based on these considerations, additional prosecutors are likely to be needed as follows: Milwaukee (4.0 FTE), Dane (1.0), Waukesha (1.0), Racine (1.0), Kenosha (1.0), Rock (1.0), Brown (1.0), Outagamie (1.0), Winnebago (1.0), Marathon (1.0), Eau Claire (1.0) and Sheboygan (1.0). At \$56,000/yr for each new ADA at the minimum this is 15 times \$56,000 or \$840,000/yr GPR.

In addition to the additional state employee prosecutor costs just discussed, in many DA offices there will be a need for additional county employees to transcribe the tapes if the local police agencies do not provide such documents along with the tapes themselves.

Long-Range Fiscal Implications

The actual impact of this bill upon prosecutorial workload must be carefully monitored so that it may be determined if resources beyond those identified above will be needed.

Fiscal Estimate Worksheet - 2005 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

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Subject			
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I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
None			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$840,000	
(FTE Position Changes)		(15.0 FTE)	
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$840,000	\$
B. State Costs by Source of Funds			
GPR		840,000	
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			
SEG/SEG-S			
TOTAL State Revenues		\$	\$
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$840,000	\$
NET CHANGE IN REVENUE		\$	\$
Agency/Prepared By		Authorized Signature	Date
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