

Fiscal Estimate Narratives

DOJ 4/3/2006

LRB Number 05-4667/1	Introduction Number SB-641	Estimate Type Original
Description Authority for an off-duty peace officer to act outside his or her territorial jurisdiction		

Assumptions Used in Arriving at Fiscal Estimate

Under s. 165.25(6)Wis. Stats. the Attorney General defends agents of the state in civil actions or other matters in a court or administrative agency relating to acts committed by the agent of the state in the lawful course of their duties. Under SB 641, for purposes of civil and criminal liability and for purposes of s. 895.46, an off-duty peace officer acting outside the officer's jurisdiction is considered to be acting as an agent of the state.

As a result, the Department of Justice will have to provide legal services whenever an action is brought against an off-duty officer acting under the provisions of SB 641. If the number of cases requiring legal services is significant, the department will need additional resources to provide those services. However, since the department is not aware of any data available to indicate how often it would have to provide such legal services, it is not possible to determine the extent of the fiscal impact SB 641 would have on the department.

Long-Range Fiscal Implications