

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-2067/1	Introduction Number AB-0419
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Description
 Rape shield provisions in civil proceedings, discovery and inspection of victims and witnesses, and victims rights

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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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 DOC/ Dustin Trickle (608) 240-5413	Authorized Signature Robert Margolies (608) 240-5056	Date 9/25/2009
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Fiscal Estimate Narratives

DOC 9/25/2009

LRB Number	09-2067/1	Introduction Number	AB-0419	Estimate Type	Original
Description Rape shield provisions in civil proceedings, discovery and inspection of victims and witnesses, and victims rights					

Assumptions Used in Arriving at Fiscal Estimate

This bill prohibits a court from ordering a witness or a victim, as a condition of allowing testimony in a criminal case involving sexual assault or repeated sexual assault of a child, sexual assault, or other criminal acts that are sexually motivated, to submit to a psychiatric or psychological examination to assess his or her credibility. This bill also generally prohibits a defendant from compelling a crime victim to a pretrial interview or disposition.

While this bill would change victim's pre-trial procedure obligations, as well as the conditions in which testimony may be permitted during criminal proceedings, it is not clear to what extent, or whether, these provisions would affect the outcome of those proceedings. As a result, the cost implications of this bill for the Department cannot be determined.

If the provisions of this bill affect the outcome of criminal proceedings (increasing or decreasing convictions), the Department's costs will similarly increase or decrease.

The average FY09 annual cost for an inmate in a DOC institution is approximately \$31,800. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$4,900, based on FY09 costs. When there is no excess capacity in DOC facilities, as is currently the case, the Department uses contract beds at a rate of \$18,800 annually per person.

As this bill also would change victim's pre-trial procedure obligations, as well as conditions in which testimony may be permitted during criminal proceedings for crimes which may be misdemeanor offenses, outcomes of proceedings for cases which may impact local jail populations may change as well. However, because of the above stated reasons, the cost implications of this bill for local jails are indeterminate as well.

Long-Range Fiscal Implications