



## Fiscal Estimate Narratives

DNR 6/23/2011

LRB Number	11-1116/4	Introduction Number	AB-0173	Estimate Type	Original
<b>Description</b> Local ordinances, determining the lawful presence of a person arrested for or charged with a crime or certain civil violations, and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Under the bill, if a law enforcement officer has reasonable suspicion that a person who is arrested for or charged with a crime or with a violation of state law that may result in the imposition of a fine, forfeiture, or period of imprisonment is not lawfully present in this state, the officer is required to obtain a determination of the lawful presence of the person before the person may be released. This bill requires the officer to have a federal agency, or a person authorized by a federal agency, determine whether the suspected person is lawfully present in the state if the officer has reasonable suspicion that the person is not lawfully present. A person's refusal or failure to provide identification at the time he or she is arrested for or charged with the violation may give rise to reasonable suspicion that the person is not lawfully present in this state.

Under the bill, a law enforcement agency must notify the U.S. Immigration and Customs Enforcement or the U.S. Customs and Border Protection and transport the person who cannot produce documentation to prove that he or she is lawfully present to a federal facility or other point of transfer into federal custody.

#### Assumptions

Law Enforcement officers employed by the Department arrest or charge approximately 8,000 individuals each year with violations of state law punishable by fine, forfeiture or imprisonment. Assuming that roughly 4% of Wisconsin's population is present unlawfully, the Department may need to detain and transport as many as 320 individuals annually that are suspected of unlawfully being present in this state and unable to provide documentation to prove otherwise.

#### State Fiscal Effect

The DNR Bureau's of Law Enforcement, Parks and Forestry will likely experience an increase in workload as a result of the bill. This increase in workload can be attributed to, but not necessarily limited to the following: contacting the required federal agency, transporting suspects to that agency and completing associated reports and travel time for returning to their respective stations. The exact cost to the LE Bureau will depend on the number of individuals actually suspected annually of not lawfully being present in Wisconsin and unable to provide proof or documentation of legal presence.

Assuming that the percentage of all persons arrested by DNR Officer which are not lawfully present in this state is about 4 %, the DNR officers may have to hold and transport as many as 320 individuals annually to federal facilities as required by this bill (~8,000 total individuals arrested or cited for violations of state law x 4 % = 320).

The Department estimates that it would require an average of 4 hours of staff time to investigate, contact federal authorities, transport suspects, complete reports and return travel for each of these cases, for a total workload increase of 1,280 hrs [320 X 4 hours], or 0.70 FTE [1,280 / 1820 hrs]. Annual staffing costs associated with this level of effort are estimated to be \$57,400 [.70 FTE x 2080hrs x \$25/hr x 1.5775 warden fringe rate].

DNR officers work and may make arrests or issue citations for violations of state law throughout the entire state. The Department assumes that the average round trip an officer would need to travel to deliver a person suspected of unlawful presence in this state to a federal agency would be approximately 100 miles. At the current vehicle mileage rate of \$0.53/ mile for a conservation warden's vehicle, the total annual cost for transporting detainees under this bill is estimated to be \$17,000 [100 miles X \$0.53/mile X 320 detainees].

Total Department costs are estimated to be \$74,400, or approximately \$232 per individual that would be detained and transported under the provisions of the bill.

### Local Fiscal Effect

Costs to local law enforcement agencies are likely to vary from local unit of government to another; therefore, the Department characterizes the local fiscal effect as indeterminate.

### **Long-Range Fiscal Implications**

## Fiscal Estimate Worksheet - 2011 Session

Detailed Estimate of Annual Fiscal Effect

Original     
  Updated     
  Corrected     
  Supplemental

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<b>Description</b> Local ordinances, determining the lawful presence of a person arrested for or charged with a crime or certain civil violations, and providing a penalty			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
	State Operations - Salaries and Fringes	\$57,400	\$
	(FTE Position Changes)	(0.7 FTE)	
	State Operations - Other Costs	17,000	
	Local Assistance		
	Aids to Individuals or Organizations		
	<b>TOTAL State Costs by Category</b>	<b>\$74,400</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
	GPR	74,400	
	FED		
	PRO/PRS		
	SEG/SEG-S		
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
		Increased Rev	Decreased Rev
	GPR Taxes	\$	\$
	GPR Earned		
	FED		
	PRO/PRS		
	SEG/SEG-S		
	<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
		<u>State</u>	<u>Local</u>
	NET CHANGE IN COSTS	\$74,400	\$
	NET CHANGE IN REVENUE	\$	\$
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
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