

Fiscal Estimate Narratives

DOT 6/27/2011

LRB Number	11-1116/4	Introduction Number	AB-0173	Estimate Type	Original
Description					
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

This bill would add an additional element to traffic stops initiated by troopers: evaluating an individual to determine if reasonable suspicion exists that the individual is unlawfully present in the United States. Should reasonable suspicion exist, the trooper would be required to request and examine proof of lawful presence. Should an individual be unable or unwilling to provide such proof, the trooper would be required to initiate contact with a federal officer capable of determining the lawfulness of the individual's presence, and, if the individual is determined to be unlawfully present, transport that individual to a federal facility.

The fiscal effect of this bill is indeterminate, as it is unknown what precise costs State Patrol might incur in the enforcement of this new policy. Nonetheless, the most significant cost to State Patrol would be staff time. It is difficult to estimate the amount of time that this new requirement would demand of troopers, because it is impossible to know how many individuals might be subject to the full procedure required by the bill.

The bill creates a mandatory action where reasonable suspicion exists. The bill further stipulates that reasonable suspicion may arise from "refusal or failure to provide identification." In 2009, 46,810 citations were issued statewide to individuals driving without a license. This figure includes both individuals who were not licensed to drive, as well as those who simply failed to have their license on their person. Under this bill, 46,810 individuals would have given a law enforcement officer reasonable suspicion to question their lawful presence, triggering the procedure outlined in this bill.

It is unknown what percentage of those individuals would fail to produce satisfactory proof of lawful presence. For our purposes, it is assumed that 90% of individuals would be able to quickly resolve the issue, requiring an average of one half-hour of officer time. The remaining 10% would require more extensive officer involvement. It is expected that most of these individuals would be able to resolve the issue, but only after returning to their place of residence, business, etc. The remaining individuals are the target of this policy: those who cannot provide satisfactory proof of lawful presence.

The following table outlines the officer hours that would be required to resolve 46,810 separate instances, depending on what percentage ultimately fail to provide proof of lawful presence. The first column lists those percentages. The second and third columns list the hours needed to handle the 10% of individuals requiring more attention (2 or 4 hours, depending on the resolution). The fourth column lists the hours required to resolve the majority of cases. The fifth and final column lists the total officer hours required to resolve all incidents.

%	4 hours	2 hours	½ hour	Total
1%	1,872	8,426	21,065	31,363
2%	3,745	7,490	21,065	32,299
3%	5,617	6,553	21,065	33,235
4%	7,490	5,617	21,065	34,171
5%	9,362	4,681	21,065	35,108

As the table illustrates, if 1% of all such traffic stops involve an individual who is not present lawfully, 31,363 total statewide officer hours would be expended in resolution of those incidents. State Patrol is responsible for approximately 15% of all citations issued statewide. Thus, State Patrol would expend 4,704 officer hours resolving such incidents, at an average rate of \$37.50 (average hourly wage and fringe for troopers). Resolving a case that ultimately requires transferring an individual into federal custody is expected to cost State Patrol an average of 4 hours, or \$150. Note that this figure does not include the cost of detaining an individual in secured custody for up to 48 hours. This cost, which averages \$80 per day, is expected to be borne by local units of government.

Local

Local law enforcement would be expected to incur similar costs as State Patrol, with staff time being a significant component (see table in previous section). Unlike State Patrol, local law enforcement would also be expected to incur costs related to the detention of individuals as required by the bill. This cost will vary by jurisdiction, but averages \$80 per inmate, per day.

Long-Range Fiscal Implications

None