

Fiscal Estimate - 2011 Session

Original
 Updated
 Corrected
 Supplemental

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|---|--|--------------------------|
| LRB Number 11-3302/4 | Introduction Number AB-0537 | |
| Description The disclosure of electronic juvenile court records to other juvenile courts, municipal courts, courts of criminal jurisdiction, district attorneys and other prosecutors, and law enforcement agencies and providing a penalty | | |
| Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs | | |
| Local: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts | | |
| Fund Sources Affected Affected Ch. 20 Appropriations <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.550(1) | | |
| Agency/Prepared By SPD/ Anna Oehler (608) 267-0311 | Authorized Signature Adam Plotkin (608) 264-8572 | Date 2/13/2012 |

Fiscal Estimate Narratives

SPD 2/13/2012

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|---|-----------|---------------------|---------|---------------|----------|
| LRB Number | 11-3302/4 | Introduction Number | AB-0537 | Estimate Type | Original |
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Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a critical role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

Currently, juvenile court records are not open to inspection, nor may their contents be disclosed, except under certain statutory exceptions, such as to law enforcement agencies for the purpose of investigating alleged criminal gang activity. This bill expands the reasons for which a law enforcement agency can request juvenile court records for the purpose of investigating alleged criminal or delinquent activity.

The bill permits the juvenile court to transfer to a law enforcement agency the electronic records of the juvenile court through the Consolidated Court Automation Programs (CCAP) by the director of state courts. It also requires the the director of state courts to determine what types of information from those electronic records may be transferred to a law enforcement agency. The bill requires the law enforcement agency to keep any information from those records transferred to the agency confidential and allows usage of the information only for the purpose of investigating alleged criminal or delinquent activity. Also, the bill provides for a forfeiture of a maximum of \$5,000 for any person who intentionally discloses information in violation of the bill.

The SPD does not anticipate a significant increase in cases as a result of this legislation.

Long-Range Fiscal Implications